

CHAPTER 14
BUILDING CODE

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SUBCHAPTER I: BUILDING CODE

- 14.01 TITLE. This subchapter shall be known as the "Building Code of the City of New London" and will be referred to in this subchapter as "this code."
- 14.02 PURPOSE. This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such buildings and the general public.
- 14.03 SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into, the City shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- 14.04 BUILDING INSPECTOR. (1) GENERAL POWERS AND DUTIES. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the said Inspector while in the performance of the duties prescribed in this chapter. He shall direct the activities of the Assistant Building Inspector. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may within 20 days thereafter appeal from such order or ruling to the Board of Zoning Appeals, such an appeal to be in writing.
- (2) QUALIFICATIONS. (a) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to supervise the general construction of buildings.

(b) The Building Inspector shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

(3) RECORDS. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a monthly report to the Council on the above matters.

14.05 BUILDING PERMITS AND INSPECTION. (1) PERMIT REQUIRED. No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

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

(3) DEDICATED STREET REQUIRED. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(4) UTILITIES REQUIRED. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hook-up is presented to the Building Inspector. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

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- (5) **PLANS.** With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new 1- and 2-family dwellings shall comply with the provisions of Wis. Adm. Code Ind. 20.09(4).
- (6) **WAIVER OF PLANS.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- (7) **APPROVAL OF PLANS.** If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. No work is to be started unless a proper grade has been reviewed by the Director of Public Works, including the grade for sidewalks, curb and gutter, driveways and general construction.
- (8) **FEES FOR BUILDING PERMITS AND INSPECTIONS.** (Rep and Recr. Or. #972, Amd. Ord. #1137, Amd. Ord. #1192; Amd. Ord. 1318) At the time the application for a building permit or other designated permit is filed the applicant shall pay the following fee:

| | | |
|---|--|---|
| New Homes - | | |
| Single Family Dwellings Includes Construction, HVAC, Plumbing & Electric | Base fee - \$320.00 Up to 800 Sq. Ft. Finished | Additional Finished Space \$.25 / Sq. Ft |
| Unfinished Space Basements, decks, porches and attached garages | \$.10 / Sq. Ft. | |
| Plan Review | \$30.00 | |
| UDC Seal | \$35.00 | |
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| Sewer Connection Fee | \$500.00 | |
| Zoning | \$25.00 | |
| Occupancy | \$25.00 | |
| Erosion Control | \$40.00 | |
| Duplexes | Same as Single Family | |
| Mobile Homes - | \$150.00 | |
| | | |
| Residential Additions / Alterations | | |
| 1 & 2 Family Dwellings - | Base fee - \$100 + \$.25 Sq. Ft. | |
| | | |
| Garages and Storage Buildings - | | |
| Up to 120 Sq. Ft. - | No Fee | |
| 121 - 240 Sq. Ft. - | \$50.00 | |
| >240 Sq. Ft. | \$50.00 base fee + \$.15 Sq. Ft. | |
| | | |
| Other Permits - | | |
| Driveways | \$40.00 | |
| Decks & Patios - Up to 120 Sq. Ft. | \$25.00 | |
| 120 Sq. Ft. and larger | \$50.00 | |
| | | |
| Fences - | | |
| Residential | \$25.00 | |
| Commercial | \$50.00 | |
| | | |
| Siding Replacement | \$35.00 | |
| | | |
| Window Replacement | \$35.00 | |
| | | |
| Reroofing - | | |
| Without Sheathing | No Permit | |
| With Sheathing Replacement | \$35.00 | |
| | | |
| Building Demolition - Residential or Commercial | <1000 Sq. Ft. - \$50.00 >1000 Sq. Ft. - \$100.00 | |
| | | |
| Moving Permits | Up to 700 Sq. Ft. - \$25.00 >700 Sq. Ft. - \$50.00 | |
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|---|------------------------------|-----------------------|
| Street Excavations | \$25.00 | |
| Street Excavations with sewer or water repair | \$50.00 | |
| | | |
| Erosion Control - | | |
| Residential | \$40.00 | |
| Commercial | \$100.00 | |
| | | |
| Sewer connection fee | \$500.00 | |
| | | |
| Sign Permits | | |
| Ground, pole or wall (per sign) | \$50.00 | |
| Temporary signs | \$25.00 | |
| | | |
| Plumbing – Residential & Commercial | \$35.00 + \$7.00 per fixture | |
| | | |
| Residential Electric | | |
| Service upgrade | \$50.00 | |
| All other work | \$40.00 + \$.03 / Sq. Ft. | Minimum fee - \$50.00 |
| | | |
| Residential HVAC | | |
| Replacement Furnace or A/C | \$35.00 per unit | |
| New Installation | \$35.00 + \$.03 / Sq. Ft. | |
| | | |
| Commercial Buildings | | |
| New Buildings | \$500 + \$.06 – Sq. Ft. | |
| Additions | \$400 + \$.06 – Sq. Ft. | |
| Alterations | \$300 + \$.06 – Sq. Ft. | |
| Multi-Family Dwellings | \$650 + \$75 per unit | |
| | | |
| Commercial HVAC – | | |
| New Installations | \$50.00 + \$.05 – Sq. Ft. | Minimum \$100.00 |
| Replacement units | \$50.00 per unit | |
| | | |
| Commercial Electric | \$50.00 + \$.06 / Sq. Ft. | Minimum \$100.00 |
| (Work valued at \$1000 or less) | No Permit | |
| | | |
| Commercial Zoning | \$50.00 | |

Failure to obtain permit prior to starting work – Double all fees

- (9) MINOR REPAIRS AND ALTERATIONS. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.
- (10) INSPECTION OF WORK. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this code, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.
- (11) ISSUANCE AND REVOCATION OF PERMIT. No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the Building Inspector upon 30 days notice to the user or occupant of the building.
- (12) PERMIT LAPSES. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within one year, from the date of issuance thereof.
- (13) REVOCATION. If the Building, Electrical or Plumbing Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.
- (14) REPORT OF VIOLATIONS. The police or other City officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this chapter.

14.06 CONSTRUCTION OF BUILDINGS. Section 1. That Section 14.06 (1) be amended to read as follows: (Am. Ord. #1089)

- (1) STATE CODES ADOPTED. Wisconsin Administrative Codes Comm. 61 to 65 are hereby adopted by reference and made a part of this chapter with respect to those classes of buildings to which said Chapters Comm. 61 to 65 specifically apply. Any future amendments, revisions and modifications of said Chapters Comm. 61 to 65 incorporated herein are intended to be made a part of this code. A copy of said Chapters Comm. 61 to 65 and amendments thereto shall be kept on file in the office of the Building Inspector.
 - (a) Terms. The building terms used in this chapter shall have the meaning given them by the State Building Code.
 - (b) Dwellings. The term "dwelling" includes every building occupied exclusively as a residence by not more than 2 families.
 - (c) Workmanship. Workmanship in the fabrication, preparation and the installation of materials shall conform to generally accepted good practice.

- 2) WISCONSIN UNIFORM DWELLING CODE ADOPTED.
(Am. Ord. #1089)
 - (a) Wisconsin Administrative Codes Comm. 20 to 25 are hereby adopted by reference and made a part of this chapter and shall apply to all new 1 and 2 family dwellings and all additions to existing and new 1 and 2 family dwellings.

 - (b) Wisconsin Administrative Code Chapters Comm. 20 to 25 are hereby adopted by reference and made a part of this chapter and shall pertain to all remodeling or alterations in existing 1 and 2 family dwellings.

14.07 ACCESSORY STRUCTURES.

- (1) GARAGES. Private garages shall be built in accordance to the general construction standards established in the Wisconsin Uniform Dwelling Code. Private garages shall be located not less than 3 feet from the adjoining lot line and not less than 5 feet from any other building on the same premises when not a part of the building. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45 minute fire-resistive construction as specified in Wis. Adm. Code Comm. 61 to 65.

- (2) ACCESSORY STRUCTURE LIMITATION (Cr. Ord. #677). Accessory structures, as defined in sec. 17.08-6 (2) of this Code, shall be limited in capacity and number so that they do not cover more than 30% of the rear yard area of the lot they are situated on. The calculation of the rear yard area shall exclude the space occupied by a free standing garage.

14.08 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

14.09 SIGNS. (1) PERMIT REQUIRED. No sign except those signs excepted in sec. 17.40(2) of this Code shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered until a building permit is obtained from the Building Inspector.

(2) FEE. The sign permit fee shall be \$7.50.

(3) ADDITIONAL REQUIREMENTS. All signs shall conform with the provisions of sec. 17.40 of this Code.

14.10 FIRE DISTRICT: BUILDING REQUIREMENTS. (1) FIRE DISTRICT BOUNDARIES. All that part of the City described herein is designated as the fire district:

All of Blocks 1, 2, 3, 4, 5, 6, 7 and 8 and Lots 1, 2 and 3 of Block 9, Reeder Smith Village Plat and all of the land not heretofore described lying north of North Water Street, east of St. John's Place and south and west of the Embarass River.

All of Blocks 1, 2, 3, 4, 5, 7, 8 and 9; all of Lots 4, 5, 6, 7, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 22 of Block 6 and all that land that lies between Lincoln Court and the east line of Lots 4 through 8 of said Block 6; the south 10 feet of Lot 3, Block 15; all of Lots 4, 5, 6, 7, 20 and 21 of Block is; Lots 1, 2 and 3 of Block 12; all of Lots 13 and 14 of Block 13; Lots 5 and 6 of Block 16; all in Millard and Taft's Village Plat.

Lots 1, 2 and 3 of Block 11; Lots 4, 5 and 6 of Block 12; Lots 3, 4, 5 and 6 of Block 15; Lots 1 and 2 of Block 16; Lots 1, 2, 3, 4, 9, 10, 11 and 12 of Block 19; Lots 3, 4, 5, 6, 7 and 8 of Block 20; all of Block 23; Lots 1, 2, 3, 4, 11 and 12 of Block 24; the west 1/2 of Lot 10, all of Lots 1, 2, 11 and 12 of Block 27; all of Block 28; Lots 1, 2, 3 and 4 of Block 57; Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 58; all in Reeder Smith Village Plat.

All that part of Blocks 122, 123 and 125 of Bannister, Bowen and Smith's Addition that is zoned by the Zoning Code as a business district.

All land, not heretofore described, that is now zoned by the Zoning Code as a business district.

All lands that may hereafter be properly zoned or rezoned by a City ordinance as a business district.

- (2) DEFINITIONS. The terms fire-resistive construction, mill construction, ordinary construction, frame construction and fire-retardant roof covering shall have the meaning as defined in Wis. Adm. Code Ind. §§51.00, 51.01, 51.02, 51.03 and 51.07.
- (3) REGULATIONS WITHIN FIRE DISTRICTS. (a) Requirements. Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire—resistive, mill or ordinary construction, except as otherwise provided by this subchapter. Enclosing walls, division walls and party walls shall be of 4-hour fire-resistive walls of a construction as provided in Wis. Adm. Code Ind. §51.05, which is hereby made a part of this subchapter with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.
- (b) Exceptions. No building of frame construction shall be constructed within the fire district, except the following:
1. Temporary one story frame buildings for use of builders.
 2. One story sheds not over 15 feet high, open on the long side and with an area not exceeding 500 square feet. A wooden fence shall not form the back or side of such sheds.
 3. Greenhouses not more than 15 feet in height.
 4. Private garages for not more than 2 noncommercial automobiles, if not over 15 feet high and not more than 750 square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.
 5. Buildings of frame construction, except when used for a high hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire-resistive rating of not less than one hour.
- (4) FIRE-RETARDANT ROOFING. (a) Every roof hereafter constructed within the fire district, including buildings listed in sub. (3) above, shall be covered with a roofing having a fire

resistive rating equivalent to Class "B" or better of the Underwriter's Laboratories, Inc., classification.

- (b) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of par. (a) above.
- (5) CONDEMNATION OF BUILDINGS AS FIRE HAZARDS. Whenever the Fire Chief shall condemn any frame building within the fire limits as a fire hazard because of its condition or location in reference to other buildings, the Building Inspector shall serve written notice upon the owner to within 10 days start to remove or raze such building and to give a reasonable time within which to complete such removal or razing. Should the owner refuse or neglect to remove or raze such building within the time specified, the Building Inspector shall have the work done and assess the cost thereof against the property of the same as taxes.
- (6) RAZING OF OLD OR DAMAGED BUILDINGS. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to any amount greater than 50% of its value, exclusive of the foundation, as determined by the City Assessor, shall not be repaired or rebuilt, but shall be removed by the Building Inspector under the provisions of §66.05, Wis. Stats.

14.105 SMOKE DETECTORS (Cr. Ord. #732). (1) DEFINITIONS.

As used in this section, the words and terms shall be defined as follows:

- (a) Smoke Detector. A device which detects particles or products of combustion other than heat.
- (b) Public Residential Building. Any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, motel, children's home, community based residential facility or dormitory, but does not include a hospital or nursing home.
- (c) Multi-Family Dwelling. Any building which is intended to be used as a home, residence or sleeping place by 3 or more persons or families living independently or by 2 persons or families living independently and used also for business purposes. This definition also shall include those buildings commonly referred to as garden apartments, condominiums and row houses.
- (d) Sleeping Area. The areas of the building in which the bedrooms or sleeping rooms are located.
- (2) WHERE REQUIRED. (a) Public Residential Buildings. The owner of any public residential building shall comply with the provisions of §101.145, Wis. Stats., which is incorporated herein and adopted by reference.

- (b) Multi-Family Dwelling. The owner of any multifamily dwelling shall install and maintain smoke detectors in the places designated in sub. (3) (b) below.
 - (c) Single- and Two-Family Dwellings. Single- and 2-family dwellings which were constructed after June 12, 1980 are covered according to the new one- and 2-family dwelling code, Wis. Adm. Code Ind. 20 to 25.
 - (d) Existing Dwellings. Owners of existing 2-family dwellings or single—family dwellings that are to be converted into 2-family dwellings shall install and maintain approved smoke detectors. Each smoke detector shall activate an alarm signaling device which shall be clearly audible in all sleeping areas when all intervening doors are closed.
 - (e) Mobile Homes. Any mobile home which is installed on or after the effective date of this section shall install and maintain approved smoke detector.
 - (f) Exception. Unless otherwise required, smoke detectors need not be installed in any building which contains an approved automatic sprinkler.
- (3) LEVEL OF PROTECTION. (a) In any public residential building, smoke detectors shall be installed and maintained in each sleeping area, in the basement and at the head of the stairway on each floor level of the building.
- (b) In any multi-unit dwelling which is subject to the provisions of §101.645, Wis. Stats., smoke detectors shall be installed and maintained in the basement, on each floor level except the attic or storage area of each dwelling unit, and in either the center of any hallway leading to the sleeping area or in each sleeping area of each unit.
 - (c) In any other dwelling units, smoke detectors shall be installed so as to provide “Level 4” protection as described in NFPA No. 74—1975 (Standard for Household Fire Warning Equipment). A basic smoke detector shall be installed to protect each separate sleeping area and at the head of each stairway leading to an occupied area, pursuant to NFPA No. 74-2-4.3.5(a).
- (4) INSTALLATION AND MAINTENANCE. (a) All equipment shall be installed in a workmanlike manner.
- (b) Smoke detectors shall be connected to any required preexisting internal alarm system.
 - (c) Any smoke detector required under this section shall be installed according to the directions and specifications of the manufacturer and, in the case of one- or 2-family dwellings, NFPA Standard 74-1975, Household Fire Warning Equipment.

- (d) Smoke detectors which are not powered by batteries shall be permanently wired to an approved power source and shall have a visible device indicating proper operation of the unit. No switches shall be installed to interrupt power to the device.
- (e) Ceiling mounted units shall be installed not less than 6 inches from the wall to ceiling intersection.
- (f) Wall mounted units shall be installed not less than 6 inches nor more than 12 inches from the ceiling.
- (g) Auxiliary controlled units consisting of horns, indicators and other devices shall be wired by acceptable methods recognized by N.E.C. 1975, Article 760.
- (h) All devices shall be so located and mounted that accidental operation will not be caused by jarring or vibration.
- (i) Installed smoke detection equipment shall be mounted so as to be supported independently of its attachment to wires.
- (j) All apparatus shall be restored to normal as promptly as possible after each alarm or test.
- (k) Upon completion of the system, the installer in the presence of the owner shall test each self-restoring device for proper operation. He shall then instruct the owner on the operation and maintenance of the system.
- (l) The supplier or installing contractor shall provide the owner with the following:
 1. A written certification that the alarm system has been installed according to specifications and applicable codes.
 2. An instruction booklet illustrating typical installation layouts.
 3. Instruction charts describing the operation, testing and proper maintenance of the fire warning system.
 4. Printed information for establishing a household emergency evacuation plan.
 5. Printed information to inform the owner where he may obtain repair or replacement service and where and how parts requiring regular replacements, such as batteries or bulbs, may be obtained.
- (m) if smoke detection equipment is to be extended to

any required or existing alarm system, the total system should follow, as applicable, NFPA standards Nos. 71, 72A, 72B, 72C or 72D.

- (5) BUILDING INSPECTOR NOTIFICATION. When smoke detection equipment is installed within a building, the owner shall notify the Building Inspector.
- (6) APPROVAL. (a) Only smoke detectors which have been approved by Underwriters Laboratories, Inc. shall be installed in public residential buildings or in multi-family dwellings.
(b) Only smoke detectors which comply with the specifications of Underwriters Laboratories, Inc., Standard U.L. 167 and U.L. 217, Standards for Safety - Single and Multiple Stantion Smoke Detectors 1976, and which bear the U.L. or F.M. label of compliance shall be installed in single- or 2-family dwellings.
- (7) MAINTENANCE. It is the responsibility of the building owner to maintain the smoke alarms and corresponding alarm systems; such maintenance programs shall follow the provisions of the Installation, Maintenance and Use of Auxiliary Protective Signaling Systems (NFPA 72B-1975).
- (8) INSPECTION. Inspection is to be done by the Building Inspector.

14.11 UNSAFE BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the City to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.0413, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

14.11m DEMOLITION OF BUILDINGS. (Cr. Ord. #1200)

1. FINDINGS REGARDING DEMOLITION OF STRUCTURES:

The City of New London finds that Demolition, unless properly and timely conducted, presents a hazard to public safety and can have a blighting effect of the City neighborhoods.

DEFINITIONS:

Demolition – The total removal of a building or structure, including the foundation and the termination of all utilities per local and state codes.

Deconstruction – Non-structural deconstruction, also known as “soft stripping” which consists of reclaiming non-structural components, appliances, doors, windows and finish materials.

2. PERMIT REQUIRED FOR DEMOLITION:

No person may demolish any structure enclosing more than 200 square feet of floor area or footprint or may demolish any structure that is more than 20 feet high unless a Demolition Permit to do so has first been obtained from the Building Inspector as provided in this Section. Such Demolition Permit is valid for 30 days from issuance, except that the Building Inspector may grant one 30-day extension for cause. The requirements for the Demolition Permit stated in this Section are in addition to any other Federal, State or City regulations and permits that may apply.

3. REQUIRED STEPS FOR DEMOLITION OF STRUCTURES:

Any person wishing to demolish a Structure must comply with the following required steps:

- a. Complete the application for a Demolition Permit on the form provided by the Building Inspector
- b. Pay all applicable fees

4. GENERAL CONDITIONS APPLICABLE TO ALL DEMOLITION PROJECTS:

- a. All work must be conducted in a manner that protects life and property, including neighboring parcels and public property. The contractor shall provide and maintain barricades, lights, fencing, flagmen, watchmen, and such other facilities or personnel as may be necessary and prescribed by the Building Inspector or Department of Public Works.
- b. Existing trees, shrubs, and grass areas that do not have to be disturbed must be preserved, including replacement if damaged in conjunction with demolition work;
- c. All dry mortar, lime, brick dust, or other flying material, before and during removal, must be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property, and all sidewalks must be protected by fences and scaffolds to the satisfaction of the Building Inspector;
- d. The owner and/or contractor is responsible for cleaning and repairing streets, curbs, driveways, sidewalks, and alleys that were damaged or soiled, or upon which materials were deposited as a result of any Demolition activity to the satisfaction of the Building Inspector;
- e. Waste material and rubbish may not be stored nor allowed to accumulate within the Building or in the immediate vicinity, but shall be removed from the premises as rapidly as practicable. All materials were deposited as a result of any Demolition activity to the satisfaction of the Building Inspector;

- f. Burning and/or brick cleaning are not permitted on the job site;
- g. No decomposable material or material that contains debris may be used as fill;
- h. Owner is responsible for the successful germination of seed and ongoing condition of the site until vegetation is re-established, including dust control and erosion;
- i. The contractor shall furnish, install, and maintain ample sanitary facilities for workers;
- j. Upon failure by the owner to comply with this Section, the Building inspector may enter upon the premises with such assistance as may be necessary, causing the existing conditions to be corrected and the cost thereof charged against the property. The resulting lien thereon will be collected as a special tax;
- k. All wells, underground storage tanks, septic tanks, and other subterranean structures must be abandoned or removed in accordance with this Section and applicable state and federal law;
- l. No material may be stored within the public right-of-way without the approval of the Department of Public Works;
- m. The site shall be restored and backfilled, or construction of a new permitted structure commenced, within 30 days of completion of demolition.

5. SPECIAL CONDITIONS APPLICABLE TO COMMERCIAL AND MANUFACTURING DEMOLITION PROJECTS:

- A. Prior to the issuance of a demolition permit for a commercial or manufacturing structure the owner must provide the following to the City Clerk:
 - 1. Financial sureties as described in Section 17.02-8(1) of this chapter
 - 2. Written proof that all property and personal taxes owed on the structure are paid.

6. DECONSTRUCTION WITHOUT DEMOLITION NOT ALLOWED:

All Demolition Permits will require the structure to be removed as described in the permit. No "soft stripping" of any structure will be allowed without demolition.

7. PENALTIES AND COMPLETION OF PERFORMANCE:

Each day of violation of any provision of this Section shall be considered a separate violation subject to the penalty provisions of Chapter 17.02-8(4). of this chapter. The City Administrator may direct that any requirement of this Section which has not been performed by the owner of a property subject to demolition permit requirements be performed by City employees or third-party contractors and that the cost of such work, including administrative costs, be placed on the property tax bill of the property pursuant to Section 66.027, Wis. Stats.

8. FEES:

Section 2. The following fees are hereby established:

1. A fee of \$50.00 applies to the Demolition of any structure greater than 200 and up to 1,000 square feet; and
2. A fee of \$100.00 applies to the Demolition of any structure 1,000 square feet or larger; and
3. The fee for a 30-day extension of the permit (which fee may be reduced by the Building Inspector on a finding of hardship) shall be half of the original permit fee.

14.11S REMOVAL OF SALVAGEABLE NON-STRUCTURAL MATERIALS FROM VACATED BUILDINGS [Cr. Ord. #1302]

14.11S – A. PURPOSE. The purpose of this Ordinance is to regulate the removal of salvageable materials from vacated buildings, not otherwise occurring as part of an approved demolition plan or for the purposes of remodeling, for any purpose other than personal re-use by the owner or personal re-use or required removal by a tenant of the property from which it was removed, without immediate functional replacement thereof.

14.11S – B. AUTHORITIES. Building inspector

14.11S – C. DEFINITIONS.

Owner. The term “owner” shall mean the title holder(s) to real property on which stands any vacated building or structure from which any salvageable material is removed.

Tenant. The term “tenant” shall mean a person or entity entitled by written agreement, to occupy the building or structure, or portion of the building or structure, from which any salvageable material is removed.

Operator. The term “operator” shall mean any person, corporation or other business entity or holder of a security interest that undertakes the removal of salvageable material from a vacated building within the jurisdictional limits of the City of New London, or which directs or allows such removal.

Salvageable Material. Real or tangible personal property that:

1. is man-made;
2. is affixed to real property or any improvement to real property;
3. is detachable from real property or any improvement to real property;
4. is removed for potential or intended re-use, repurposing or scrap.

Such materials shall include any such materials that were detached from real property or any improvement to real property without a permit after the effective date of this ordinance.

Vacated Building. A building or structure, or portion of a building or structure, that had a principal non-residential use as its most recent use allowed by law, which principal use has ceased. The cessation of the primary activities constituting the principal use shall be determinative of whether the principal use had ceased. The presence of personnel in the building or structure is not determinative of whether the use has ceased.

Code Official(s). Building Inspector

Issuing Body. The term "Issuing Body" refers to the Code Official.

14.11S – D. EXCLUSIONS. This Ordinance does not apply to the following:

1. salvaging operations at structures where it's most recent allowable use by law was residential;
2. salvage operations at non-residential structures under 200 square feet (200 sq. ft.);
3. items/materials removed where replacement will occur as part of a remodeling process over time pursuant to a valid and subsisting building, heating, plumbing, or electrical permit;
4. salvaging operations that occur as part of an approved demolition plan, pursuant to a valid demolition permit or otherwise, in which the Permit Holder/Owner/Operator is obligated to complete said demolition within a specified time frame;
5. equipment, items or supplies removed by the owner for personal re-use; and
6. equipment, items or supplies owned and removed by the tenant during the term of a written lease.

14.11S –E. RECYCLING.

1. The Permit Holder shall cause to be salvaged, reused or recycled all of the following material/items removed and debris produced on-site as part of the salvaging permit activities:
 - a) Wood that has not been rendered non-recyclable or non-re-useable by the application or attachment of paint, stains, varnish or other liquids or solids;
 - b) Non-toxic metals; and
 - c) Non-asbestos containing shingles.
2. The City of New London, by recommendation of the Code Official, maintains the right to suspend requirements of this section if the market for above materials changes, making compliance unattainable, or if the condition of the material(s) and/or proximity to recycling/re-use facilities makes compliance impracticable, as determined by the Code Official .

14.11S – F. PARTIAL EXEMPTION. A partial exemption is allowed under this Ordinance for items and materials removed for the sole purpose of historical or cultural preservation. A request for exemption shall be filed with the City Clerk on forms created by the Code Official and provided by the City of New London. The request for exemption shall include documentation of historical or cultural significance acceptable to the Code Official which may include written request for preservation by historic society or equivalent.

14.11S –G. PERMIT. No person, corporation or other business entity or holder of a security interest may remove, direct the removal of, or allow to be removed any salvageable material from a Vacated Building unless such removal is performed pursuant to a permit granted by the Issuing Body and issued to the applicant pursuant to this ordinance. The Owner and Permit Holder shall be jointly responsible for complying with any permit issued pursuant to this ordinance.

14.11S –H. PERMIT APPLICATION.

1. The applicant may be the owner of the real estate, or a Contractor hired by the owner, tenant or the holder of a security interest in the property, Vacated Building or structure, or the salvageable material. Under all circumstances, the applicant, if other than the owner, shall be jointly and severally responsible for compliance with the terms of this Ordinance.
2. Application for a permit, whether initial or renewal, shall be filed with the City Clerk on forms provided by the City of New London. The application shall include:
 - a. Location and square footage of occupiable space in building(s).
 - b. Name, address and contact information of owner of the building(s).
 - c. Names, addresses and contact information for contractors engaged to carry out the activity.
 - d. Plan for removal of salvageable material including the following details:
 - i. Project schedule and budget.
 - ii. Inventory and projected quantities (by weight or volume) of materials to be removed from the building for salvage purposes.
 - iii. Proposed disposition of salvageable materials.
 - iv. Dust, noise and odor control.
 - v. Hours of operation.
 - vi. Fire suppression.
 - vii. Traffic safety and public infrastructure protection.
 - viii. Site security.
 - ix. Building and grounds management and restoration.
 - x. Proposed post-salvage property ownership and use, if known.

- e. Plan for removal of hazardous wastes/materials.
 - i. Hazardous materials inventory including raw materials, waste materials, asbestos containing materials, and [with respect to any portion of the building, structure or salvageable material to be altered in the course of the work,] an inventory of lead painted surfaces and PCB-containing materials.
 - ii. Hazardous materials handling, management and disposal prior to salvaging.
 - iii. Proposed environmental monitoring or remediation.
- f. Plan for disposal of waste, including proposed disposition.
- g. Proof of required demolition/renovation notifications to the appropriate State regulatory agencies.

The Issuing Body may require additional information of a specific applicant.

3. A permit fee must accompany the application. Permit fees shall be established by resolution of the City Council.

14.11S –I. PERMIT GRANT. The granting of permits shall be conducted on a single tiered system. Occupiable space shall be calculated as one total for all buildings covered under the permit.

Permit applications for a Vacated Building having occupiable space over two hundred square feet (200sq. ft.) shall be reviewed and decided upon by the Code Official pursuant to this ordinance.

In granting the permit, the Code Official shall address the following matters: the amount of the Irrevocable Standby Letter of Credit to be required of the Permit Holder as a condition of issuance of the permit and as a requirement of operation; the justification for drawing against and content of the presentment required to draw against the Irrevocable Standby Letter of Credit; other State or local permits as required by law, rule, or regulation that must be obtained as a condition of issuance of the permit or as a requirement of operation; reasonable special operating requirements to be required of the Permit Holder in addition to those listed in Subsection L herein; and such other matters or limitations as the Code Official determines is necessary to protect the public interest.

14.11S –J. IRREVOCABLE STANDBY LETTER OF CREDIT. As a condition of issuance of the permit, the Permit Holder shall provide to the Issuing Body and maintain in effect an Irrevocable Standby Letter of Credit naming the City of New London as beneficiary, in an amount required by the Issuing Body and in a form approved by the City Attorney. The City Attorney shall also approve the form and content of the draw order and all necessary presentment required to compel payment by the issuer to the City of all funds subject to the Irrevocable Standby Letter of Credit.

The Irrevocable Standby Letter of Credit shall be the guarantee of performance by the Permit Holder. The Irrevocable Standby Letter of Credit must be issued by a financial institution certified by the state to conduct such business within the state of Wisconsin, allowing for direct draw by the City upon presentment to the issuing bank without court action and without approval by Permit Holder, to complete work or to repair damage that was the obligation of the Permit Holder. The Irrevocable Standby Letter of Credit must contain as part of its provisions that it will be maintained constantly in force as an obligation to the City for no less than one year after project completion as reasonably determined by the Issuing Body or one year after the expiration of a permit issued under this section to the Permit Holder, whichever is later.

In considering the required amount of the Irrevocable Standby Letter of Credit the Issuing Body shall consider: the expertise of the applicant; the longevity of the applicant; the capitalization of the applicant; the scope of the proposed project; the cost of rectifying the possible environmental hazards that could be created; the effect of the proposed operation on the surrounding neighborhood; the cost of remediation of the City should the City have to address any matter due to the unwillingness or inability of the Permit Holder to fulfill its obligations.

The Issuing Body may annually, upon documented request of the Permit Holder, review the pertinent facts and decide to reduce the amount of the required Letter of Credit in accordance with work completed or threats mitigated. In the extraordinary circumstance that the Issuing Body determines that the requirements to obtain an Irrevocable Standby Letter of Credit is unreasonable, the Issuing Body may, in the exercise of its discretion, authorize one or more alternate forms of security in lieu of an Irrevocable Standby Letter of Credit.

14.11S –K. PERMIT TERM AND ASSIGNMENT.

A permit issued to the applicant is permit holder and limited to the term granted.

1. Initial term. The initial term of any permit issued under this section shall be 90 days from the date of issue.
2. Renewal term. There is no right or expectation of permit renewal. The permit may be renewed at the discretion of the Issuing Body upon application of a Permit Holder, filed with the City Clerk prior to expiration of the initial term or any renewal terms. Each renewal may be granted for up to 90 days.
3. Assignment. No permit issued pursuant to this ordinance is assignable or transferable without the advance written permission of the Issuing Body, which shall not be granted unless the Permit Holder and prospective assignee demonstrate to the satisfaction of the Issuing Body that assignee is capable of completing the project and all required forms of insurance and financial assurance are made effective prior to the assignment.

14.11S –L. GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to the Permit Holder and those working for Permit Holder subject to terms of the permit in accordance with the provisions of the ordinance:

1. The permit issued pursuant to this ordinance shall be plainly displayed on the premises upon which the building is located.

2. The building and premises shall, at all times, be maintained in as clean, neat and sanitary of a condition as such premises will reasonably permit.

3. No garbage, refuse or other waste likely or susceptible to give off a foul odor or attract vermin shall be kept on the premises, except for domestic garbage kept in rodent-proof covered containers which are removed from the premises as often as necessary to provide a sanitary, odor free and vermin free environment.

4. Work done under this permit shall be performance in accordance with the Permit and is subject to inspection by the Code Official and other inspectors as provided in this ordinance. Any violation of the Permit shall be deemed a violation of this ordinance.

5. As a condition of the Permit, a Permit Holder shall maintain insurance policies during the life of the permit in the following minimum amounts, which policies shall name the City of New London as additional insured and provide coverage for work performed on the property or associated with the work under the permit, and shall provide certificates issued by the carriers as proof of all required coverages:

a) Automobile Liability (Owned, non-owned, leased):

Bodily Injury:

One Million Dollars (\$1,000,000) each occurrence

Property Damage:

One Million Dollars (\$1,000,000) each occurrence

b) Pollution Legal Liability: Five Million Dollars (\$5,000,000) each loss where risk is presented of exacerbation of existing environmental pollution or discharge of any hazardous waste to the environment or asbestos removal, abatement, remediation, or dumping/disposal in a Federal or State regulated facility is required; the City may require a greater or lesser minimum amount down to and including zero (\$0) of Pollution Legal Liability insurance policy, depending on the circumstances of the project that is the subject of the permit.

c) Workers' Compensation: Statutory Limits

d) Umbrella Liability:

Two Million Dollars (\$2,000,000) over the primary insurance coverages listed above.

6. The Permit Holder shall also ensure that subcontractors have appropriate insurance as determined by the Issuing Body. This may include coverage under the Permit Holder's policy, individual coverage, or a combination thereof. The Issuing Body may also require subcontractors to obtain separate permits pursuant to this Ordinance based on the type of proposed activities or extent or complexity of the salvaging activities proposed.
7. No scrap, salvage or debris which is temporarily stored on the premises shall be allowed to rest or protrude over any public rights-of-way or public property, or become scattered about or blown off the premise.
8. No mechanized process whatsoever shall be utilized on premises to reduce the volume of salvageable material or debris after such salvageable material has been detached from the real property, unless a special exception is provided by the Issuing Body in conjunction with a specific permit. Such prohibited mechanized processes include, but are not limited to, crushing and shredding.
9. There shall be strict compliance with Section 17.04 of the New London Municipal Code related to noise control.
10. There shall be strict compliance with Section 17.04-4 of the New London Municipal Code related to dust and erosion control.
11. No premises or building subject to a permit shall be allowed to become a public nuisance or be operated in such a manner as to adversely affect the public safety, health, or welfare.
12. There shall be full compliance with the City Building, Fire and Health Codes and with all other City, County, State and Federal laws, rules or regulations which may be applicable.
13. The Permit Holder shall, during the salvage process, maintain the work site in a safe and secure condition.
14. The Permit Holder shall keep a log of all shipments to and from the work site during the project, including the date, time, transport company, vehicle license number, and description of type and amount of material transported.

15. The Permit Holder must provide to the Code Official, and must maintain current, a list of contractors doing work that is subject to a permit issued pursuant to this Ordinance, which list of contractors shall include proof of valid and subsisting policies of insurance in satisfaction of the General Operating Requirements specified herein. As used herein, the phrase "maintain current" means that the list filed with the City is updated by the Permit Holder as necessary to comply with the ordinance prior to each contractor commencing work pursuant to the Permit.
16. The Permit Holder shall promptly notify the Code Official of the identity, function and insurance coverage of any new contractor, sub-contractor or other person or entity not specifically identified in the Permit that is conducting operations at the property related to removal of salvageable material.
17. The Permit Holder shall identify, handle, manage, store, and dispose of all wastes, lead, asbestos, waste oils, hazardous materials and hazardous substances as provided in the approved Permit plan and as otherwise directed by the City should changing conditions require additional work or precautions to protect the public safety, health or welfare or comply with any other applicable ordinance, law or regulation.
18. The Permit Holder shall dispose of building debris in a licensed landfill, except for salvaged and recycled materials.
19. At any time, the Permit Holder shall produce to the Code Official documentation that disposition of materials occurred in compliance with the approved permit and disposition plans.
20. The Permit Holder shall be responsible for disconnections of utilities, including plumbing and electrical, necessary for safe conduct of the salvaging process, and shall provide evidence that the necessary disconnections have been accomplished.
21. The Permit Holder shall restore the site and/or vacated building to the conditions set forth in the approved Permit.
22. The Permit Holder shall comply with all orders the Issuing Body imposed upon granting of the Permit or at any other time.
23. The Irrevocable Standby Letter of Credit imposed as a condition of issuance of the permit shall be maintained in full force and effect at all times until one year following the Issuing Body's finding of project completion.

14.11S –M. INSPECTIONS. Permit Holders and property owners shall allow authorized inspection by representatives of any Department of the City and authorized representatives of the State of Wisconsin having enforcement powers to inspect the premises subject to the Permit, with or without advanced notice, as often as may be required to allow said representative to perform their duties and assure compliance with this ordinance as well as state and federal laws, without first obtaining a special inspection warrant. Inspections shall be made during normal hours of business operation except when the presence of emergency circumstances which require prompt action to protect the public health, safety and welfare or to preserve evidence of noncompliance with this ordinance or state or federal laws.

Inspection may include inspection of the entire property subject to the Permit, including buildings, structures, basement, sub-basements, vaults, and other areas of the property.

The unreasonable failure to allow inspections shall be grounds for denial, suspension or revocation of the Permit.

Inspections may include, but are not limited to: taking wipe samples; waste, structural or product sampling; sampling of pits; the logging, gauging and sampling of existing wells; videotaping, preparing site sketches; taking photographs; testing or sampling the groundwater, soil, surface water, sediments, air, soil vapor or other material.

14.11S –N. IMMEDIATE CESSATION ORDERS. If in the opinion of the Code Official, the public is subject to imminent danger due to violation of any one or combination of more than one of the General Operating Requirements, the Code Official shall issue an order to the violator or the Permit Holder requiring immediate cessation of those operations giving rise to the imminent danger. The recipient of any such order shall cause such operations to cease as directed by the Code Official.

Failure to maintain insurance or a Letter of Credit as required, or to permit inspection as required are each per se violations implicating imminent danger to the public necessitating an order to cease all operations. In the event that an order to the Permit Holder requiring immediate cessation is issued by the Code Official, such order may be appealed to the Board of Appeals. The Board of Appeals, after hearing from the Code Official, the Permit Holder, and the public, shall affirm the order, reverse the order, or modify the order. The decision made by the Board of Appeals may be appealed to the Circuit Court of the County the property is located in by either the Code Official or the Permit Holder in accordance with the procedure of the City.

14.11S –O. NON-RENEWAL, SUSPENSION OR REVOCATION HEARINGS. There is no right or expectation of permit renewal. The permit may be renewed at the discretion of the Issuing Body upon application of a Permit Holder as described in Subsection K.

Non-renewal, suspension, and revocation appeal hearings shall be held before the Board of Appeals, which shall submit a report to the City Council, including Findings of Fact, Conclusions of Law, and a recommendation as to what action, if any, the City Council should take with respect to the permit. The Board of Appeals shall provide the Code Official and the Permit Holder with a copy of the report. Either the Code Official or Permit Holder may make an objection, orally or in writing, to the report and shall have the opportunity to present arguments supporting the objection to the City Council. The City Council shall determine whether the arguments shall be presented orally or in writing, or both. If the City Council, after considering the Board of Appeals report and any arguments presented by the Code Official and Permit Holder, finds the complaint to be true, or if there is no objection to a report recommending a suspension, revocation or nonrenewal, the permit shall be suspended, revoked or not renewed as provided by law. If the City Council finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. The City Clerk shall give notice of each suspension, revocation or nonrenewal to the party whose permit is affected.

14.11S –P. VIOLATIONS AND LIABILITY.

1. It shall be a violation of this ordinance to perform, conduct, direct or allow removal of salvageable material except in conformance with a valid Permit issued pursuant to this ordinance.
2. It shall be a violation of this ordinance to disobey or act contrary to any order issued pursuant to this ordinance.
3. The Owner and Permit Holder shall be jointly and severally liable for any violation of this ordinance and any violation of any condition of permit pursuant to this ordinance, whether caused by act or omission, including applicable fines and penalties together with the City's costs of enforcement, including attorneys' fees.
4. Any Operator involved in the violation of this ordinance shall be found to have committed a separate violation for which it shall be fully liable, including applicable fines and penalties together with the City's costs of enforcement, including attorneys' fees.

14.11S –Q. ENFORCEMENT, FINES AND PENALTIES. The Code Official shall have the primary responsibility to enforce this ordinance. Violations of this Ordinance shall be subject to the general provisions of Section 25.04 of the New London Municipal Code. Fines and penalties for violations of this ordinance shall provide sufficient incentive to deter violators and continued violations and may be up to \$1000 per day. For the purpose of calculating fines and penalties, each day of continuing violation shall constitute a separate offense. Any violation of this ordinance constitutes a public nuisance, and in addition to any other remedies provided or allowed, the City may apply to a court of competent and local jurisdiction for injunctive relief and the assessment of damages including attorney's fees and costs.

14.11S –R. REPORTING. Permit holders shall provide reports to the Code Official in accordance with the reporting requirements specified in the Permit as approved by the Issuing Body. These reports shall include the following:

1. Salvageable materials report that identifies the type, quantity and disposition of salvageable materials removed from the property during the reporting period and supporting documentation.
2. Hazardous wastes/materials report that identifies the type, quantity and disposition of hazardous wastes/materials removed from the site during the reporting period. This report should be accompanied by supporting documentation of disposal, name and contact information on haulers, and copies of any applicable permits/exemptions.
3. Waste report that identifies the type, quantity, and disposition of waste materials removed from the site during the reporting period and supporting documentation.
4. Any instances of environmental monitoring performed during the reporting period and the results of same.

These reports shall also include:

1. Supporting documentation of removal and disposition of materials which shall include weigh tickets, bills of lading, sales receipts, chain of custody logs or equivalent documentation.
2. A statement by the Permit Holder that documentation supporting compliance with this ordinance will be maintained for two years from submission of the reports.
3. A statement from the Permit Holder that the information in the reports is truthful and accurate.

14.12 MOVING BUILDINGS. See sec. 8.05 of this Code.

14.12 MOVING BUILDINGS. See Sec. 8.05 of this Code.

14.13 APPLICATION OF STATE CODES. Wis. Adm. Code Ind. Chs. 20 through 25 and Chs. 50 through 64, the State Electrical Code, the State Plumbing Code, the State Flammable Liquids Code and the State Well Drilling Code are hereby adopted by reference and the Building Inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

14.14 NON-ASSUMPTION OF LIABILITY. This subchapter shall not be considered as assuming any liability on the part of the City or any official or employee thereof for damages to anyone injured or for any property destroyed by and defect in any building or equipment, or in any plumbing or electric wiring or equipment.

14.15 PENALTIES AND VIOLATIONS. (Am. Ord. #863). Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this subchapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this subchapter. Any person who fails to abide by a lawful order issued by the Building Inspector pursuant to this Chapter shall be subject to the penalties provided in Section 25.04 of this Code.

SUBCHAPTER II: PLUMBING CODE

14.16 DEFINITIONS. Plumbing, for the purpose of this chapter, is hereby defined as follows:

- (1) As is stated in §145.01(1) (a), Cc), (d) and (e) , Wis. Stats.
- (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, storm water or industrial waste from a point 3 feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

14.17 STATE CODE ADOPTED. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Comm. 81-87 are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions and modifications of said Wisconsin statutes and code incorporated herein are intended to be made part of this subchapter.

14.18 PLUMBING INSPECTOR, POWERS AND DUTIES. (1) He shall perform such duties as are provided for in §145.05 (1) , Wis. Stats. , and this code and shall make annual reports to the Council.

- (2) He shall enforce all of the provisions of this subchapter and shall prepare suitable forms for applications, permits and other reports.
- (3) He shall be certified by the Department of Industry, Labor and Human Relations to make the necessary inspections to enforce the plumbing section of the Wisconsin Uniform Dwelling Code.
- (4) He may enter all buildings in the performance of his duties during reasonable hours and no person shall willfully or knowingly resist or obstruct the Plumbing Inspector in the performance of his duties.
- (5) He may withhold approval of an application for a plumbing permit to any person who has not complied with a lawful order of the Plumbing Inspector. The person refused such a permit may appeal within 20 days to the Board of Zoning Appeals.

14.19 APPLICATIONS AND PERMITS. (1) For new construction, no plumbing shall be installed in the City without first filing a complete set of plans with the Plumbing Inspector and receiving a

permit. Licensed master plumbers only may receive such permits, except a permit may be issued to a property owner to repair, maintain or install plumbing in a single family residence which is owned and occupied by such owner as his home.

- (2) A permit shall be applied for and received before commencing any plumbing or excavating in any street, alley or other public way to repair, alter or install plumbing.

14.20 SCHEDULE OF PERMIT FEES (Rep. & Recr. Ord. #766).

- (1) FEES. A fee of \$20 shall be charged for any connection of 6 fixtures or less to the City water, wastewater or sewer system. Each additional fixture shall be \$5.
- (2) DEFINITION. A fixture shall be any drain or device through which water flows as interpreted by the Building Inspector.
- (3) DOUBLED FEES. In the event plumbing work is begun before a permit has been issued, the above permit fees shall be doubled.
- (4) OTHER FEES (Cr. Ord. #841, Am. Ord. #948). (a) Sanitary Sewer Main Connection Fees. Any lot or parcel which has not paid sanitary sewer or water main assessment when the sewer and water main was installed will, at the time the lateral permit is taken out, be required to pay a sewer main connection fee and water main connection fee. The connection fee will be based on the frontage of the parcel and the rate established by the Council. For, the rate is established to be \$15 per frontage foot for sanitary sewer and for 1997, the rate is established to be \$23 per frontage foot for water main. (b) Fixed Charge Connection Fee. Any lot or parcel which makes a new connection to the sanitary sewer system shall be required to pay a fixed charge connection fee of \$200. This fee is to be adjusted for larger than one inch water meters in accordance with the user charge system methods.

14.21 INSPECTION OF WORK. The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection (i.e., soil, vent, underground drain, final inspection). All plumbing work shall be left exposed until such time as the Inspector has completed his examination and inspection. When, in the opinion of the Inspector, a test in addition to Wis. Adm. Code H 62.21 is necessary, he may require a water or air test in any part of or the entire installation.

14.22 CONNECTIONS TO SANITARY SEWER AND WATER SYSTEMS.

- (1) No outhouse, privy or vault shall be built, constructed or maintained upon any lot or part of a lot in the City. The owners of all lots and parts of lots in the City where privies are now used shall connect with the sanitary sewer and water systems in such manner as prescribed by the Board of Public Works or the Board of Health and all privies shall be removed from said lots. Such privies are hereby declared to be a nuisance and a menace to health.

- (2) All plumbing, as defined in this subchapter, within the City shall connect properly with the sanitary sewer and water mains of the City, where such mains are available in a street, alley or public way adjoining the lot or lots upon which such plumbing exists. All septic tanks shall be removed or emptied and filled with earth. Shut-off valves shall be installed at inlet and outlet points at each meter. Each dwelling unit or business must have a separate water service connection to the water mains.
- (3) Water Service Regulations. (Amd. Ord. #1079)
"Connected properly" in sub(2) above with respect to watermain shall mean that water service connections shall be made in accordance with the following requirements:
- a) Water Lateral sizes must be 1", 2", 4", 6", 8", 10", or 12"
 - b) Water taps to the main will be the responsibility of the customer unless the tap < 2".
 - c) Water tapping saddle, corporation stops, and curb boxes are the responsibility of the customer unless the service lateral is 2" or less.
 - d) Service laterals are the customer's responsibility and shall be composed of materials as follows:
1" laterals shall be made of copper, 2" lateral shall be copper or SDR-9 plastic, 4", 6" and 8" service lateral shall be C900 PVC or ductile iron, 10" & 12" lateral shall be ductile iron.
 - e) All C900 PVC and SDR-9 plastic service lateral will require soldered joints, transmitter wire and a termination wire which shall be run to the service above the ground.

14.23 CLEAR WATERS. (1) DISCHARGE. No person shall cause, allow or permit any roof drain, surface drain, sub-soil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- (2) NUISANCE. The discharge into a sanitary sewer from any roof drain, surface drain, sub-soil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well being of the residents of the City and to the protection of property.

BUILDING CODE (PLUMBING) 14.23 (2)

- (3) GROUND WATER. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (4) STORM WATER. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either into a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (5) STORM SEWER LATERAL. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (6) CONDUCTING TESTS. If the Director of Public Works or his designated agent suspects an illegal clear water discharge, as defined by this code or by any other applicable provision of the Wisconsin Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.
- (7) COMPLIANCE AND PENALTY. Any person determined to be in violation of any provision of this subsection shall be given a written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the foregoing time limits shall, upon conviction thereof, be subject to the penalties of sec. 25.04 of this Code.

14.24 GREASE SEPARATORS. Grease catch basins or separators of a capacity based upon the temperature and the amount of the water tributary shall be installed wherever kitchen or other greasy wastes from hotels, restaurants, club houses, boarding houses, public or private institutions, hospitals or similar places are discharged into a public sewer or private sewage disposal system. Garbage disposal units shall not be tributary to grease catch basins or interceptors.

14.25 PENALTY. In addition to the penalties specifically provided in this subchapter, any person who shall violate any provision of this subchapter shall be subject to a penalty as provided in sec. 25.04 of this Code.

SUBCHAPTER III: ELECTRICAL CODE (Rep. & Recr. Ord. #708; Rep. & Recr. Ord. #777; Amd. Ord. #1219)

14.26 ELECTRICAL INSPECTORS.

- (1) Commercial and One and Two Family Electrical Inspectors. (A) The Commercial Electrical Inspector shall be appointed by the Common Council, hold a Commercial Electrical Inspector credential issued by the Wisconsin Department of Commerce and shall be reimbursed for the Commercial Electrical inspections as outlined in (7) below. (B) One and Two Family electrical inspections shall be performed by the Building Inspector as part of his / her duties. The Building Inspector shall be required to hold a UDC Electrical Inspector Credential.
- (2) RESTRICTIONS. It shall be unlawful for the Commercial Electrical Inspector to engage in the installation and maintenance of electrical wiring either directly or indirectly, and he shall have no financial interest in any concern engaged in such business in the City at any time while holding the office of Commercial Electrical Inspector. When situations arise that a conflict of interest is apparent, the Commercial Electrical Inspector shall be authorized to appoint a Deputy Inspector, for whom such conflicts do not exist. The Deputy Inspector is hereby granted all the powers and, with them, the requisite duties and responsibilities of the Electrical Inspector. The Deputy inspector is also empowered to act if the Inspector is temporarily unable to perform his duties. Violation of the provision of this subsection shall be sufficient cause for removal from office.
- (3) DUTIES. It shall be the duty of the Electrical Inspector to enforce the provisions of this subchapter. Complete records of all permits issued and inspections made and other official work performed under the provisions of this subchapter shall be kept and so arranged as to afford prompt information concerning electrical installations.
- (4) RIGHT OF ACCESS. The Electrical Inspector shall have the right during reasonable hours to enter any public or private buildings, structures or premises in the discharge of his official duties or for the purpose of making any inspection or test of electrical wires or appliances contained therein. He shall be given prompt access to any premises upon notification to the proper authority.
- (5) RIGHT TO CUT OFF CURRENT. The Electrical Inspector shall have the authority to cause the turning off of all electrical currents to any equipment which he finds to be in an unsafe condition, and to cut off or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

No person shall reconnect any equipment thus cut off until written permission is given by the Electrical Inspector.

- (6) INSPECTION FEES AND REMUNERATION. The Commercial Electrical Inspector shall be compensated from inspection fees collected at a rate of 90% of the fees collected. For inspections undertaken at the request of the City, Fire Department or the Building Inspector's office, the Inspector shall be compensated at \$40.00 / Hr.
- (7) RECORDS. Inspection records (date, time, location and findings) shall be maintained and kept by the Electrical Inspector. A duplicate set of these records is to be maintained and kept by the Building Inspector.

14.27 DEFINITIONS.

- (1) ELECTRICAL WORK. The installation of electrical material, fittings, devices, appliances, fixtures, apparatus, wiring and equipment for the production, modification, regulation, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purposes.
- (2) ELECTRICAL CONTRACTOR, ACTIVE. Any person who is skilled in the installation, planning, designing, superintending or inspection of electrical wiring and equipment and who is engaged in this work. Before any person shall be licensed as an electrical contractor, he must have served at least 3 years as a journeyman electrician and meet all other qualifications for an electrical contractor's license as determined by the Board of Electrical Examiners.
- (3) JOURNEYMAN ELECTRICIAN, ACTIVE. Any person other than an electrical contractor who is skilled in the installation of electrical wiring and equipment for the production, modification, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting or similar purpose, and who is engaged in this work. He shall have had at least 4 years practical experience. Two or more years in an accredited trade school shall be equivalent to the first 2 years. He shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners. In no case shall a licensed journeyman electrician do electrical work in the City unless under the supervision of a licensed electrical contractor, who shall be responsible in accordance with this subchapter.
- (4) INACTIVE CONTRACTOR AND JOURNEYMAN. Any person who shall hold a valid license, but is not actively engaged in the trade. At any time, upon payment of the annual fee, the license shall become active.

14.28 ELECTRICAL LICENSES.

- (1) LICENSE REQUIRED. No person shall alter, install or repair electrical wires and apparatus for the utilization of electric current for light, heat or power in the City, except in the usual operation of public or private electric utilities, without first having procured a license as provided in this subchapter. Any equipment owned or controlled by any customer shall be subject to inspection and shall not be considered as part of regular operations of the utility.
- (2) CLASSES OF LICENSES. There shall be 2 classes of electrical licenses, active or inactive, as follows:
 - (a) Electrical Contractor's License. At least one member of a firm or corporation shall hold an electrical contractor's license. No person shall contract or undertake to install or repair electrical wires or apparatus within the City except as otherwise herein provided without first having obtained from the Clerk-Treasurer an electrical contractor's license.
 - (b) Journeyman Electrician's License. No person shall alter, install or repair electrical wires or apparatus within the City or supervise the same without first having obtained from the Clerk-Treasurer a journeyman's license, except indentured apprentices and electrical trainees who are enrolled in the Fox River Technical School or some other school of equal standards acceptable to the Electrical Board, who are serving under the supervision of and directly responsible to a licensed journeyman electrician or electrical contractor. There shall be a ratio of no more than 3 apprentices or trainees to one journeyman on one given job locale.
- (3) ELECTRICAL CONTRACTOR RESPONSIBILITY. No person required to hold an electrical contractor's license hereunder shall employ or have working under such person's, firm's or corporation's control any person who shall, while so employed or working, alter, install or repair electrical wires or apparatus within the City or supervise the same without first obtaining a journeyman's license as required by this section.

14.29 INDUSTRIAL ELECTRICIAN'S LICENSE.

- (1) QUALIFICATIONS. The applicant must have a minimum of 4 years industrial electrical experience as his full time occupation. He shall be skilled in the installation of industrial electrical wiring and equipment. He shall be at least 18 years of age and shall pass such examination as determined by the Board of Electrical Examiners.

- (2) LIMITATIONS OF LICENSE. The fee for an industrial electrician's license shall be \$10 upon application and the license shall be renewed annually at a cost of \$5. In no case shall a licensed industrial electrician perform electrical work on any property, building or piece of machinery not owned, operated or controlled by the licensee's employer. An industrial electrician's license shall not permit the licensee to work on minor construction outside of the licensee's place of employment. The licensee shall comply with sec. 14.36(6) of this subchapter.

14.30 NONCOMPLIANCE.

- (1) Persons doing electrical work without first obtaining the proper City license will be subject to a minimum forfeiture equal to the license fee. This forfeiture is to be collected by the Building Inspector as a doubling of the license fee when the proper license is issued.

14.31 APPLICATION FOR LICENSE; FEES.

- (1) APPLICATION. Application for a license shall be made to the Department of Building Inspection on forms furnished by the Department and shall contain a record of the applicant's training and experience in the installation and repairing of electrical wires and apparatus, duly vouched for by instructors or journeyman electricians under whom he may have served. Applications must be accompanied with cash or a check in the amount of the fee for class of license applied for. If applicant fails to pass written examination, fee will be returned, except a charge of \$5 to pay for the examination. Each applicant for any license shall be required to take the applicable examination as well as pay the required fee. There shall be no exemptions.
- (2) EXPIRATION; RENEWAL. All licenses shall expire on the 30th day of June next after the date of issuance unless sooner revoked. Licenses may be renewed with the Department of Building Inspection and the Clerk-Treasurer for the annual renewal fee. If a license is permitted to expire and not renewed within 30 days after date of expiration, the former holder shall have the same status as a person not previously licensed.
- (3) ELECTRICAL CONTRACTOR'S LICENSE FEE. The fee for an electrical contractor's license shall be \$50 for the initial fee and \$35 for the renewal fee. The license shall be issued upon successful completion of a written examination and payment of the fee. The renewal license shall be issued upon payment of the fee.

An inactive license may be issued with the payment of an initial payment of \$25 and thereafter a renewal payment of \$5 every third year.

- (4) JOURNEYMAN ELECTRICIAN'S LICENSE FEE. The fee for a journeyman electrician's license shall be \$20 for the initial fee and \$10 for the renewal fee. The license shall be issued upon the successful completion of a written examination and payment of the fee. The renewal license shall be issued upon payment of the fee. An inactive license may be issued with the payment of an initial payment of \$10 and thereafter a renewal payment of \$5 every third year.
- (5) APPROVED APPRENTICESHIP. A journeyman electrical license shall be granted to any person who has completed a State approved apprenticeship of at least 4 years or more. This may be obtained by furnishing proof of completion and paying the current annual license fee within 6 months of completion of said State program.
- (6) Nothing in this subchapter shall preclude the holder of an inactive higher license to actively hold a lesser license.

14.32 EXAMINATIONS.

- (1) WRITTEN EXAMINATIONS. Regular written examination shall be held during the months of January and July of each year. A special written examination may be held, however, at any time selected by the Board of Electrical Examiners.
- (2) RECIPROCITY AGREEMENT. The Board of Electrical Examiners for electrical licenses may recommend the granting of licenses without examination for the same grade to an electrical contractor or journeyman electrician upon said Board being furnished proof that the applicant meets the following qualifications:
 - (a) He has been licensed by a city or higher political body.
 - (b) The requirements for such licenses are at least equal to the requirements of the City.
 - (c) The licensing body of the applicant has adopted a similar resolution.

14.33 CERTIFICATE OF INSURANCE REQUIRED. (Rep. & Am. Ord #931)

- (1) Any person requesting or renewing an electrical license for work to be performed in 1 & 2 family dwellings must provide a certificate of insurance for general liability in the amount of \$250,000 listing the City of New London as the certificate holder. Any person requesting or renewing an electrical license for work to be performed in commercial buildings must provide a certificate of insurance for general liability in the amount of \$1,000,000 listing the City of New London as the certificate holder.

- (2) ISSUANCE OF LICENSE. Upon receipt of application for an electrical license, certificate of insurance as stated in 14.33 (1), duly approved and with payment of fee duly made and acknowledged, the Clerk-Treasurer shall issue the proper license in due form and pursuant to the provisions of this subchapter.

14.34 BOARD OF ELECTRICAL EXAMINERS.

- (1) MEMBERSHIP. The Board of Electrical Examiners shall consist of 6 members appointed by the Mayor and confirmed by the Council. The Mayor shall designate one member with electrical background as Chairman. The other 5 members of the Board shall consist of a member of the Fire Department, an employee of the New London Public Utilities, a licensed electrical contractor, a licensed plant electrician and a licensed journeyman electrician. The Building Inspector shall act as Secretary of the Board. The Electrical Inspector shall advise the Board and keep it informed on his activities and findings.
- (2) TERM OF OFFICE. Three members shall be appointed June 30 in even-numbered years and the other shall be appointed June 30 in odd-numbered years. The Fire Department member and the New London Public Utilities member shall be appointed for one-year terms in 1985 and thereafter be appointed for a normal 2-year term. All members shall hold office until the last day in June in the year their term expires and until their successors shall have been appointed and qualify.
- (3) QUORUM. Four members shall constitute a quorum for the transaction of business, but no recommendations for the issue, suspension or revocation of a license shall be adopted except by a vote of 4 members of the Board. All applications for license shall be referred by the Department of Building Inspection to the Board of Electrical Examiners who shall properly investigate and report to the Department of Building Inspection as to the qualifications and competency of the applicants in the installation of electrical wiring and equipment. The Board shall meet at the call of the Chairman.

14.35 REVOCATION OF LICENSE; EFFECT.

- (1) Any electrical contractor receiving 3 written notices of violations within 12 months will appear before the Board to show cause why his electrical license should not be revoked. Any license granted under the provisions of this subchapter shall be revoked by the Council upon the recommendation of the Department of Inspection and the Board of Electrical Examiners if the Council finds, after notice and hearing, that the installation of electrical wire, materials, fittings, devices, appliances, fixtures, equipment or apparatus is such that it causes or may cause a hazard to life, limb or property. When a license has been revoked, the former holder thereof shall have the same status as a person not previously licensed.

14.36 ELECTRICAL PERMITS. (1) PERMIT REQUIRED.

- (1) The Building Inspector shall issue permits for electrical installations for light, heat or power upon the filing of proper application by a licensed electrical contractor, which shall be made on forms furnished by the Building Inspector. In no case shall any electrical work be done unless the permit has been obtained, except as provided in sub. (2) below.
 - (a) Any work done in or on a building or structure that disturbs the service of a meter or meter socket will require a permit and an inspection;
 - (b) A homeowner may personally install wiring in his own single or two-family dwelling, but a permit must be procured and work inspected and approved in the same manner as for a licensed electrician. An owner must prove his competence to conform with all rules and regulations by furnishing plans or drawings of the proposed work. These must be approved by the Inspector. A homeowner is a person owning and occupying as his permanent address a single-family dwelling or a two-family dwelling.
- (2) EXEMPTIONS. No permit shall be required for the usual operations of the electric utilities, private or public. No permit shall be required for manufacturing, assembling, repairing or testing electrical equipment for which no license is required. No permit shall be required for minor repairing of cords, flush snap switches, replacing fuses, or changing lamp sockets.
- (3) ELECTRICAL PERMIT FEES. The schedule of electrical permit fees, which must be paid at the time an electrical permit is issued, shall be as follows:
 - (a) One and Two Family Dwellings \$.02 / sq. ft. / \$25.00 min.
 (New construction and additions)
 - (b) Detached garages \$.02 / sq. ft. / \$25.00 min.
 - (c) Residential Service Changes \$25.00

NOTE: Floor areas from building permits shall be used for calculating these fees.

Commercial/Industrial buildings and alterations to all existing buildings, the fees shall be calculated as follows:

- (a) For work costing up to \$500 - **No Permit required**
- (b) For work costing from \$500 to \$1,000 - **\$100**

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- (c) For work costing from \$1,001 to \$10,000
\$100 + \$10 per \$1000 of value
 - (d) For work costing from \$10,001 to \$50,000
\$100 + \$10 per \$1000 of value
 - (e) For work costing from \$50,001 to \$100,000
\$100 + \$10 per \$1000 of value
 - (f) For work costing over \$100,001
\$100 + \$7.50 per \$1000 of value
 - (g) It shall be unlawful for any person with a master's license to allow the use of his license, directly or indirectly, for the purpose of obtaining local permits for others.
- (4) DELINQUENT PERMITS. In the event an electrical permit is not taken out prior to commencing work on the job, the applicable fee shall be double the rate specified in sub. (3) above.
- (5) ELECTRICAL PLUMBING APPLIANCES. On any electrical appliance requiring plumbing, either the plumbing contractor or the electrical contractor, but not both, shall take out the permit. Both contractors shall be listed on the permit. If the owner chooses to select individual contractors, separate permits shall be required for electric and plumbing work.
- (6) INDUSTRIAL WORK. In lieu of an individual permit for each installation, repair or alteration, an annual permit may be issued to any person, firm or corporation regularly employing one or more licensed industrial electricians for the installation, alteration and maintenance of electrical equipment in or on existing buildings or premises owned or occupied by the permit applicant. Application for an annual permit shall be made in writing to the Department of Inspection and shall contain a description of the premises on which work is to be done under the permit and shall list the name of the licensed industrial electrician. The annual fee for this permit shall be \$75. The annual permit shall be applicable only to work done under the supervision of the licensed electricians and shall not cover new building construction or remodeling work to buildings.

14.37 EMERGENCY WORK.

- (1) In emergency work, the person doing or causing work to be done shall report the same to the Electrical Inspector immediately after beginning work. Such work shall be in accordance with the provisions of this subchapter.

14.38 ELECTRICAL INSPECTION.

- (1) PROCEDURE. Upon completion of the wiring of any building or before any wiring is to be hidden from view, it shall be the duty of the person doing the same to notify the Electrical Inspector and he shall inspect the installation within 24 hours of the time such notice is received.

If, upon inspection, it is found that such installation is fully in compliance with this subchapter and does not constitute a hazard to life, limb or property, he shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this subchapter, he shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions within 10 days. Concealment of electrical work before inspection shall constitute an offense punishable in accordance with the provisions of this subchapter.

- (2) **PREBUILT PREWIRED HOMES.** Concealed electric wiring in and for a permanent factory built home will be accepted, provided a wiring diagram for said home and a certificate attesting to the fact that the wiring conforms with the Wisconsin Administrative Code, the Electrical Code, Volume 2, is presented to the Electrical Inspector at the time of application for an electrical permit. All wiring at the building site shall comply with this subchapter and shall be done by a licensed contractor or a journeyman.

14.39 ADOPTION OF STATE ELECTRICAL CODE (Rep. & Recr, Ord.887).

- (1) The Wisconsin Administrative Code, Comm 16 and all amendments thereto are hereby adopted by reference and made a part hereof. The City of New London hereby takes responsibilities for electrical inspection of public buildings and places of employment pursuant to WI Stats 101.86. Except as otherwise regulated by this ordinance, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Statutes of this State and any orders, rules and regulations issued by authority thereof and with approved electrical standards for safety to persons and property.
- (2) **STANDARDS FOR ELECTRICAL EQUIPMENT AND MATERIAL; INSPECTION.** No person shall keep or offer for sale or sell, within the City, any appliances, equipment, material or fixtures designed for or intended to be used for the production, transmission or utilization of electric current or power unless said appliances, equipment or fixtures are approved by the Electrical Inspector in accordance with the requirements set forth in the Wisconsin State Electric Code and the underwriter's approved list of inspected equipment. It shall be the duty of the Electrical Inspector to make periodic inspections to see that the provisions of this subsection are being complied with.
- (3) **UTILITY REQUIREMENTS.** The rules and regulations of the New London Public Utilities pertaining to the work of the electrical contractor shall be adhered to and subject to inspection.

14.40 APPEAL; QUORUM.

Any person may appeal to the Board of Electrical Examiners for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within 5 days after such person shall have been notified of such decision by the Electrical Inspector. Upon receipt of such appeal, the Board of Electrical Examiners shall proceed to determine whether the action of the Electrical Inspector complies with this subchapter and within 5 days shall make a decision in accordance with its findings. On appeal matters, 4 members shall constitute a quorum, but any action taken or decision made shall require the affirmative vote of at least 3 members.

14.41 LIABILITY FOR DAMAGES.

This subchapter shall not be construed to affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damage to persons or to property caused by a defect therein, nor shall the City be held as assuming such liability by reason of the inspection or re-inspection authorized herein or the certificate of approval issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

14.42 to 14.44 (Reserved)

14.45 PENALTY. Any person who shall violate any of the provisions of this subchapter or shall fail to comply with the same shall, upon conviction thereof, be subject to a forfeiture of not more than \$500.

SUBCHAPTER IV: SATELLITE TELEVISION ANTENNAS (Cr. Ord. #710)

- 14.46 PERMIT REQUIRED. All persons installing satellite antennas within the City shall be required to obtain a permit. The cost of the permit shall be \$5. No satellite television antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations.
- 14.47 DEFINITIONS. (1) SATELLITE TELEVISION ANTENNA. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
- (2) USABLE SATELLITE SIGNAL. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.
- 14.48 SATELLITE ANTENNA LOCATION. (1) In any business, commercial, agricultural or manufacturing zone, such antenna may be located anywhere on the lot or buildings thereon.
- (2) In a residential zone, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot. If usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property, subject to the requirements contained in this subchapter.
- (3) In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure or garage, provided that a building permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise is in compliance with the Building Code and the Electrical Code.
- 14.49 ANTENNA SIZE. (1) Roof mounted antenna shall not extend more than 10 feet above the height limit established for a zone in which the structure is located.
- (2) Ground mounted antenna shall not exceed 15 feet in height above the ground. Such antenna shall not exceed 10 feet in diameter in a residential zone.
- (3) Ground mounted antenna shall be located at least 5 feet from the nearest part of the main building on the same lot and at least 5 feet from any rear, front or side property line.
- (4) Except in business, commercial, agricultural or manufacturing zones, antenna shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.

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- (5) Not more than one satellite antenna shall be allowed in any residential zone on any lot less than one acre in size.
- (6) All antennas and the construction and installation thereof shall conform to applicable Building Code and Electrical Code regulations and requirements.
- (7) Antenna shall meet all manufacturer's specifications, be of noncombustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- (8) Every antenna must be adequately grounded for protection against a direct strike of lightning.

14.50 GRANDFATHER CLAUSE. This subchapter shall not affect any satellite antenna erected prior to June 28, 1985.

SUBCHAPTER V: WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY (Cr. Ord. #1372)

14.51 Section 1: Definitions

For the purposes of this Chapter, the terms below shall have the following meanings:

"Administrator" means the Director of Public Works¹ or his or her designee.

"Application" means a formal request, including all required and requested documentation and information, submitted by an Applicant to the City of New London for a wireless permit.

"Applicant" means a person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.

"Base Station" means the same as in 47 C.F.R. § 1.6100(b)(1), which defines the term to mean a structure or wireless telecommunications equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This definition does not include towers.

¹ When choosing the appropriate person to administer the ordinance (e.g., Public Works Director, Engineer, Director of Planning and Zoning), it is wise to consider both the expertise and the workload of the employee appointed, given the short review timeline required by state and federal shot clocks. See Memo Section B.2.

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“Eligible Facilities Request” means the same as in 47 C.F.R. § 1.6100(b)(3), which defines the term to mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

“FCC” means the Federal Communications Commission.

“Right-of-way” means the surface of, and the space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, landscape terrace, shoulder, side slope, and public sidewalk over which the City of New London exercises any rights of management and control or in which the City of New London has an interest.

“Small Wireless Facility,” consistent with 47 C.F.R. § 1.6002(l), means a facility that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted:
 - i. is 50 feet or less in height, or
 - ii. is no more than 10 percent taller than other adjacent structures, or
 - iii. is not extended to a height of more than 50 feet or by more than 10 percent above its pre-existing height, whichever is greater, as a result of the collocation of new antenna facilities;
- (2) Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration;
- (5) The facility is not located on Tribal lands; and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.

“Support Structure” means any structure capable of supporting wireless telecommunications equipment.

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“Tower” means the same as in 47 C.F.R. § 1.6100(b)(9), which defines the term as any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Underground areas” means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages more than 35,000 volts.

“Utility Pole” means a structure in the right-of-way designed to support electric, telephone, and similar utility distribution lines and associated equipment. A tower is not a utility pole.

“Wireless Infrastructure Provider” means a person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.

“Wireless Permit” or “Permit” means a permit issued pursuant to this Chapter and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way, and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.

“Wireless Regulations” means those regulations adopted pursuant to Section 5(b)(1) to implement the provisions of this Chapter.

“Wireless Service Provider” means an entity that provides wireless services to end users.

“Wireless Telecommunications Equipment” means equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

“Wireless Telecommunications Facility” or “Facility” means a facility at a fixed location in the right-of-way consisting of a base station, antennas and other accessory equipment, and a tower and underground wiring, if any, associated with the base station.

Definitions in this Section may contain quotations or citations to 47 C.F.R. §§ 1.6100 and 1.6002. In the event that any referenced section is amended, creating a conflict between the definition as set forth in this Chapter and the amended language of the referenced section, the definition in the referenced section, as amended, shall control.

14.52 Section 2: Purpose

In the exercise of its police powers, the ***City of New London*** has priority over all other uses of the right-of-way. The purpose of this Chapter is to provide the ***City of New London*** with a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the right-of-way consistent with the ***City of New London's*** obligation to promote the public health, safety, and welfare; to manage the right-of-way; and to ensure that the public's use is not obstructed or incommoded by the use of the right-of-way for the placement of wireless telecommunications facilities. The ***City of New London*** recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the ***City of New London***. The ***City of New London*** also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of wireless telecommunications facilities in the right-of-way including, without limitation, the Telecommunications Act of 1996 (47 U.S.C. § 151 et seq), Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Wis. Stat. § 182.017, and Wis. Stat. § 196.58, and this Chapter shall be interpreted consistent with those provisions.

14.53 Section 3: Scope

- (a) **Applicability.** Unless exempted by Section 3(b), below, every person who wishes to place a wireless telecommunications facility in the right-of-way or modify an existing wireless telecommunications facility in the right-of-way must obtain a wireless permit under this Chapter.
- (b) **Exempt Facilities.**² The provisions of this Chapter (other than Sections 10-14) shall not be applied to applications for the following:
 - (1) Installation of a small wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot, and provided further that the installation does not require replacement of the strand, or excavation, modification, or replacement of either of the utility poles.

² None of these carve-outs are mandatory—they are included simply for practical reasons. The items listed in sections 3(b)(1), (2), and (5) are exempted from permitting because they are either temporary or quite simple and unobtrusive. Allowing telecommunications providers to make such installations without permitting may encourage them to choose these types of installations over others that the municipality finds less preferable. Items 3(b)(3) and (4) are exempted from permitting because the municipality has means other than permitting to control these types of installations.

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- (2) Installation of a mobile cell facility (commonly referred to as “cell on wheels” or “cell on truck”) for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- (3) Placement or modification of a wireless telecommunications facility on structures owned by or under the control of the City of New London. See Section 13 of this Chapter.
- (4) Placement or modification of a wireless telecommunications facility by City of New London staff or any person performing work under contract with the City of New London.
- (5) Modification of an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity does not disrupt or impede traffic in the traveled portion of a street, and if the work does not change the visual or audible characteristics of the wireless telecommunications facility.

14.54 Section 4: Nondiscrimination

In establishing the rights, obligations, and conditions set forth in this Chapter, it is the intent of the City of New London to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situation, and legal status of each applicant or request for use of the right-of-way.

14.55 Section 5: Administration

- (a) Administrator. The Administrator is responsible for administering this Chapter.
- (b) Powers. As part of the administration of this Chapter, the Administrator may:
 - (1) Adopt wireless regulations governing the placement and modification of wireless telecommunications facilities in addition to but consistent with the requirements of this Chapter, including regulations governing collocation, the resolution of conflicting applications for placement of wireless telecommunications facilities, and aesthetic standards.³
 - (2) Interpret the provisions of the Chapter and the wireless regulations.
 - (3) Develop forms and procedures for submission of applications for wireless permits consistent with this Chapter.

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- (4) Collect any fee required by this Chapter.
- (5) Require, as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility that is the subject of the wireless permit application.
- (6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
- (7) Issue notices of incompleteness or requests for information in connection with any wireless permit application.
- (8) Select and retain an independent consultant or attorney with expertise in telecommunications to review any issue that involves specialized or expert knowledge in connection with any permit application.
- (9) Coordinate and consult with other City of New London staff, committees, and governing bodies to ensure timely action on all other required permits under Section 6(b)(8) of this Chapter.
- (10) Subject to appeal as provided in Section 8(d) of this Chapter, determine whether to grant, grant subject to conditions, or deny an application.
- (11) Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

14.56 Section 6: Application⁴

- (a) Format. Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the or responses to requests for information regarding an application, to the Administrator. An application is not complete until both the paper and electronic copies are received by the Administrator.

³ Adoption of wireless regulations is optional, but advisable. The regulations can contain more detailed technical specifications, vary the general standards set forth in the ordinance based on the character of a particular neighborhood or corridor, and set more detailed aesthetic requirements. See Attachment C to Memo.

⁴ Each municipality should develop its own permit application form. See Attachment B to Memo.

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- (b) Content. In order to be considered complete, an application must contain:
- (1) All information required pursuant to the wireless regulations.
 - (2) A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit conditions.
 - (3) The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.
 - (4) A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.
 - (5) A separate and complete description of each proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such preexisting structures and facilities; and describing the distance to the nearest residential dwelling unit. Before and after 360-degree photo simulations must be provided for each facility.
 - (6) Proof that the applicant has mailed to the owners of all property within 300 feet of the proposed wireless telecommunications facility a notice that the applicant is submitting an application to the City of New London for placement or modification of a wireless telecommunications facility in the right-of-way, which notice must include
 - (i) the proposed location of the facility, (ii) a description and scale image of the proposed facility, and (iii) an email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.
 - (7) A copy of the FCC license for the facility or a sworn written statement from the applicant attesting that the facility will comply with current FCC regulations.

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- (8) To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless telecommunications facility,⁵ the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, traffic control permits, and excavation permits),⁶ with all engineering completed and with all fees associated with each permit.
- (9) A certification by a registered and qualified engineer that the installation can be supported by and does not exceed the tolerances of the structure on which it will be mounted and that all elements of the wireless telecommunications facility comply with applicable safety standards.
- (10) Payment of all required fees.
- (11) If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all evidence on which the applicant relies in support of that claim. Applicants are not permitted to supplement this evidence if doing so would prevent the City of New London from complying with any deadline for action on an application.
- (12) If the application is an eligible facilities request, the application must contain information sufficient to show that the application qualifies as an eligible facilities request under 47 C.F.R. § 1.6100(b)(3), including evidence that the application relates to an existing tower or base station that has been approved by the [CITY/VILLAGE]. Before and after 360-degree photo simulations must be provided with detailed specifications demonstrating that the modification does not substantially change the physical dimensions of the existing approved tower or base station.
- (c) Waivers. Requests for waivers from any requirement of this Section 6 shall be made in writing to the Administrator. The Administrator may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of the waiver, the City of New London will be provided with all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the wireless permit sought.

⁵ See Memo Section B.2.c.

⁶ The municipality should review its code of ordinances to determine which other permits may be required and modify this list accordingly.

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- (d) Fees.⁷ Applicant must provide an application fee and shall be required to pay all costs reasonably incurred in reviewing the application, including costs incurred in retaining outside consultants. Fees shall be reviewed periodically and raised or lowered based on the costs the Village expects to incur, with a review commencing by the first anniversary of the effective date of this Chapter.
- (e) Public Records. Applications are public records that may be made publicly available pursuant to state and federal public records law. Notwithstanding the foregoing, the applicant may designate portions of the application materials that it reasonably believes contain proprietary or confidential information by clearly marking each portion of such materials accordingly, and the City of New London shall endeavor to treat the information as proprietary and confidential, subject to applicable state and federal public records law and the Administrator's determination that the applicant's request for confidential or proprietary treatment of the application materials is reasonable. The City of New London shall not be required to incur any costs to protect the application from disclosure.

14.57 Section 7: General Standards

- (a) Generally. Wireless telecommunications facilities shall meet the minimum requirements set forth in this Chapter and the wireless regulations, in addition to the requirements of any other applicable law or regulation.
- (b) Regulations. The wireless regulations and decisions on wireless permits shall, at a minimum, ensure that the requirements of this Chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of a telecommunications or personal wireless services, or otherwise violate applicable laws or regulations.⁸ If that determination is made, the requirements of this Chapter and the wireless regulations may be waived, but only to the extent required to avoid the prohibition.
- (c) Standards.⁹
 - (1) Wireless telecommunications facilities shall be installed and modified in a manner that:

⁷ See Memo Section B.3.

⁸ Before making such a determination, it is advisable to consult with the municipal attorney.

⁹ If a municipality chooses to incorporate aesthetic standards into the ordinance, rather than in its wireless regulations, they should be added to this Section 7(c). See Attachment C to Memo.

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- (A) Minimizes risks to public safety;
 - (B) Ensures that placement of facilities on existing structures is within the tolerance of those structures;
 - (C) Avoids placement of aboveground facilities in underground areas, installation of new support structures or equipment cabinets in the public right-of-way, or placement in residential areas when commercial areas are reasonably available;
 - (D) Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;
 - (E) Ensures that installations are subject to periodic review to minimize the intrusion on the right-of-way;
 - (F) Ensures that the City of New London bears no risk or liability as a result of the installations; and
 - (G) Ensures that applicant's use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the City of New London or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
- (2) No wireless permit shall be issued unless (i) the wireless service provider applicant has immediate plans to use the proposed facility or (ii) the wireless infrastructure applicant has a contract with a wireless service provider that has immediate plans to use the proposed facility.
 - (3) In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic and at all times must comply with the requirements of the Americans with Disabilities Act of 1990.
- (d) Standard Permit Conditions. All wireless permits under this Chapter are issued subject to the following minimum conditions:
- (1) Compliance. The permit holder shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules.

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- (2) Term. A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance unless revoked pursuant to Section 9(b) of this Chapter.
- (3) Contact Information. The permit holder shall at all times maintain with the City of New London accurate contact information for the permit holder and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and email address for at least one natural person.
- (4) Emergencies. The City of New London shall have the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.
- (5) Indemnities. The permit holder, by accepting a permit under this Chapter, agrees to indemnify, defend, and hold harmless the City of New London, its elected and appointed officials, officers, employees, agents, representatives, and volunteers (collectively, the "Indemnified Parties") from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner caused in whole or in part, or claimed to be caused in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of the permit holder or anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on one or more of the Indemnified Parties. The obligation to indemnify, defend, and hold harmless the Indemnified Parties shall be applicable even if the liability results from an act or failure to act on the part of one or more of the Indemnified Parties. However, the obligation does not apply if the liability results from the willful misconduct of an Indemnified Party.
- (6) Adverse Impacts on Adjacent Properties. The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.
- (7) General maintenance. The wireless communications facility and any associated structures shall be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

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- (8) Graffiti Removal. All graffiti on facilities shall be removed at the sole expense of the permit holder within 48 hours after notification from the City of New London.
- (9) Relocation. At the request of the City of New London pursuant to Section 10 of this Chapter, the permit holder shall promptly and at its own expense permanently remove and relocate any wireless telecommunications facility in the right-of-way.
- (10) Abandonment. The permit holder shall promptly notify the City of New London whenever a facility has not been in use for a continuous period of 60 days or longer and must comply with Section 11 of this Chapter.
- (11) Restoration. A permit holder who removes or relocates a facility from the right-of-way must restore the right-of-way in accordance with Section 12 of this Chapter.
- (12) Record Retention. The permit holder shall retain full and complete copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the permit or regulatory approval. In the event the City of New London cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permit holder fails to retain full and complete records in the permit holder's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permit holder.
- (13) Radio Frequency Emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.
- (14) Certificate of Insurance. A certificate of insurance sufficient to demonstrate to the satisfaction of the Administrator that the applicant has the capability to cover any liability that might arise out of the presence of the facility in the right-of-way.

14.58 Section 8: Application Processing and Appeal

- (a) Rejection for Incompleteness. Notices of incompleteness shall be provided in conformity with state, local, and federal law, including 47 C.F.R. § 1.6003(d), as amended.

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- (b) Processing Timeline.¹⁰ Wireless permit applications (including applications for other permits under Section 6(b)(8) necessary to place or modify the facility) and appeals will be processed in conformity with the shot clocks set forth in state, local, and federal law, as amended.
- (c) Written Decision.¹¹ In the event that an application is denied (or approved with conditions beyond the standard permit conditions set forth in Section 7(d)), the Administrator shall issue a written decision with the reasons therefor, supported by substantial evidence contained in a written record.
- (d) Appeal to Board of Appeals. Any person adversely affected by the decision of the Administrator may appeal that decision to the Board of Appeals, which may decide the issues de novo, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility.
- (e) Deadline to Appeal.
 - (1) Appeals that involve eligible facilities requests must be filed within three business days of the written decision of the Administrator.
 - (2) All other appeals not governed by Section 8(e)(1), above, must be filed within ten business days of the written decision of the Administrator, unless the Administrator extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.
- (d) Decision Deadline. All appeals shall be conducted so that a timely written decision may be issued in accordance with the applicable shot clock.

14.59 Section 9: Expiration and Revocation

- (a) Expiration. A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance. Upon expiration of the wireless permit, the permit holder must either:
 - (1) Remove the wireless telecommunications facility; or,

¹⁰ See Memo Section B.2.

¹¹ If a municipality denies an application, 47 U.S.C. § 332(c)(7)(B)(iii) requires the decision be "in writing and supported by substantial evidence contained in a written record" while Wis. Stat. § 182.017(9) requires that the municipality "provide the applicant a written explanation of the reasons for the denial at the time that the municipality denies the application."

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- (2) Submit an application to renew the permit at least 90 days prior to its expiration. The facility must remain in place until the renewal application is acted on by the City of New London and any appeals from the City's decision are exhausted.
- (b) **Revocation for Breach.** A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable federal, state, or local laws, rules, or regulations. Upon revocation, the wireless telecommunications facility must be removed within 30 days of receipt of written notice from the City of New London. All costs incurred by the City of New London in connection with the revocation, removal, and right-of-way restoration shall be paid by the permit holder.
- (c) **Failure to Obtain Permit.** Unless exempted from permitting by Section 3(b) of this Chapter, a wireless telecommunications facility installed without a wireless permit must be removed within 30 days of receipt of written notice from the City of New London. All costs incurred by the City of New London in connection with the notice, removal, and right-of-way restoration shall be paid by entities who own or control any part of the wireless telecommunications facility.

14.60 Section 10: Relocation

Except as otherwise prohibited by state or federal law, a permit holder must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate any of its wireless telecommunications facilities in the right-of-way whenever the City of New London requests such removal and relocation. The City of New London may make such a request to prevent the facility from interfering with a present or future City of New London use of the right-of-way; a public improvement undertaken by the City of New London; an economic development project in which the City of New London has an interest or investment; when the public health, safety, or welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless and until that entity pays the reasonable costs of removal or relocation to the permit holder.

14.61 Section 11: Abandonment

- (a) **Cessation of Use.** In the event that a permitted facility within the right-of-way is not in use for a continuous period of 60 days or longer, the permit holder must promptly notify the City of New London and do one of the following:

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- (1) Provide information satisfactory to the Administrator that the permit holder's obligations for its facilities under this Chapter have been lawfully assumed by another permit holder.
 - (2) Submit to the Administrator a proposal and instruments for dedication of the facilities to the City of New London. If a permit holder proceeds under this Section 11(a)(2), the City of New London may, at its option:
 - (A) Accept the dedication for all or a portion of the facilities;
 - (B) Require the permit holder, at its own expense, to remove the facilities and perform the required restoration under Section 12; or
 - (C) Require the permit holder to post a bond or provide payment sufficient to reimburse the City of New London for reasonably anticipated costs to be incurred in removing the facilities and undertaking restoration under Section 12.
 - (3) Remove its facilities from the right-of-way within one year and perform the required restoration under Section 12, unless the Administrator waives this requirement or provides a later deadline.
- (b) Abandoned Facilities. Facilities of a permit holder who fails to comply with Section 11(a) and which, for one year, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City of New London may, at its option:
- (1) abate the nuisance and recover the cost from the permit holder or the permit holder's successor in interest;
 - (2) take possession of the facilities; and/or
 - (3) require removal of the facilities by the permit holder or the permit holder's successor in interest.

14.62 Section 12: Restoration

In the event that a permit holder removes or is required to remove a wireless telecommunications facility from the right-of-way under this Chapter (or relocate it pursuant to Section 10), the permit holder must restore the right-of-way to its prior condition in accordance with City of New London specifications. However, a support structure owned by another entity authorized to maintain that support structure in the right-of-way need not be removed but must instead be restored to its prior condition. If the permit holder fails to make the restorations required by this Section 12, the City of New London at its option may do such work. In that event, the

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permit holder shall pay to the City of New London, within 30 days of billing therefor, the cost of restoring the right-of-way.

14.63 Section 13: Placement on City - Owned or Controlled Structures

The City of New London may negotiate agreements for placement of wireless telecommunications facilities on City of New London -owned or -controlled structures in the right-of-way. The agreement shall specify the compensation to the City of New London for use of the structures.¹² The person or entity seeking the agreement shall reimburse the City of New London for all costs the City of New London incurs in connection with its review of and action upon the request for an agreement.

14.64 Section 14: Severability

If any section, subsection, clause, phrase, or portion of this Chapter is for any reason held to be illegal or otherwise invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion shall be severable and shall not affect or impair any remaining portion of this Chapter, which shall remain in full force and effect.