

## Title 16

### BUILDING AND CONSTRUCTION

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#### Chapter 16.04

### BUILDING CODE

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### I. GENERAL PROVISIONS

**16.04.010 Uniform dwelling code.** A. Title. This section shall be known as the one-family and two-family dwelling code of the City of Eau Claire.

B. Purpose. The purpose and intent of this section is to:

1. Exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings and additions, alterations and repairs to dwellings coming under the scope of this section.
2. Provide plan review and on-site inspections of one-family and two-family dwellings by inspectors certified by the Wisconsin Department of Commerce;
3. Establish and collect fees to defray administrative and enforcement costs;
4. Establish remedies and penalties for violations; and
5. Establish use of the Wisconsin Uniform Building Permit as prescribed by the Wisconsin Department of Commerce.

C. State Uniform Dwelling Code Adopted. The administrative code provisions describing and defining regulations with respect to one-family and two-family dwellings in Chapters COMM 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulations of one-family and two-family dwellings in this city of the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the office of the Building Inspector.

D. Definitions. In this section, unless otherwise specifically indicated:

1. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
2. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
3. "Department" means the Department of Commerce.
4. "Dwelling" means any building, the initial construction of which is commenced on or after June 1, 1980, which contains one or two dwelling units.
5. "Repair" means the act or process of restoring to original soundness, including, but not limited to, redecorating, refinishing, nonstructural repairs, maintenance repairs or replacement of existing fixtures, systems or equipment.
6. "One-family or two-family dwelling" means a building structure which contains one or two separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
7. "Person" means an individual, partnership, firm or corporation.
8. "Uniform Dwelling Code" means those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter COMM 20--Administration and Enforcement;

Wis. Adm. Code Chapter COMM 21--Construction Standards;

Wis. Adm. Code Chapter COMM 22--Energy Conservation Standards;

Wis. Adm. Code Chapter COMM 23--Heating, Ventilating and Air Conditioning Standards;

Wis. Adm. Code Chapter COMM 24--Electrical Standards;

Wis. Adm. Code Chapter COMM 25--Plumbing and Potable Water Standards.

E. Method of Enforcement.

1. The building inspector, established under section 16.04.070, shall administer and enforce the provisions of this section and the Uniform Dwelling Code.
2. The building inspector or his or her designee shall be certified for inspection purposes by the department in each of the categories specified under Sec. COMM 5.63, Wisconsin Administrative Code.

3. The building inspector, subject to approval of the city council, may appoint, as necessary, subordinates to inspect buildings. Such subordinates shall be certified under Ch. COMM 5, Wisconsin Administrative Code, by the department.

4. The building inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his or her agent while in the performance of his or her duties.

5. The building inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code and shall maintain records in connection therewith as required under section 16.04.070 E.

F. Alterations, repairs, and additions. The following provisions shall apply to one- and two-family dwellings of which initial construction commenced after June 1, 1980:

1. Alterations and Repairs. When not in conflict with any regulations, alterations and repairs to any existing building accommodating a legal occupancy and use but of nonconforming type of construction, which affect the structural strength, fire hazard, exits, required natural lighting, energy conservation, or replacement of major equipment, then such construction shall be made to conform to the minimum requirements of the Uniform Dwelling Code in effect at the time of such alteration or repair.

2. Additions. Additions shall conform to the minimum requirements of the Uniform Dwelling Code in effect at the time of the construction of that addition.

3. Minor Repairs. Repairs for purposes of maintenance, or replacements which do not involve structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, energy conservation, access to or efficiency of any exit stairway or exits, fire protection, or exterior aesthetic appearance, and which do not increase a given occupancy and use, shall be deemed minor repairs not requiring a building permit. Residing, reroofing or replacement of more than 25 percent of a dwelling unit's interior wall and ceiling plaster, gypsum wallboard or similar wall surfaces shall not be deemed minor repair.

4. Alterations and Repairs Required. When any of the structural members of any building have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength. Upon failure to comply with the above structural repairs by the owner, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this code are complied with.

G. Building Permits.

1. Building Permits Required. No one-family or two-family dwelling of which initial construction shall be commenced after June 1, 1980, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his or her agent, from the building inspector. No building permit is required for work to be performed which is deemed minor repair. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Commerce, or on a form approved for use by the department.

2. Submission of Plans. Building permit application shall include the submittal of two sets of plans containing all the information, data and calculations specified in COMM 20.09(4) and section 16.04.080.

3. Issuance of Permit. If the building inspector finds that the proposed building or repair, alteration, or addition complies with all city ordinances, including 16.04.080 E., and the Uniform Dwelling Code, the inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the building inspector. Permit expiration shall be as stated in COMM 20.09(5)(b). All sidewalks, driveways, grading and planting of disturbed areas not otherwise improved shall be complete within a period of 24 months from the date of the commencement of building construction, unless an extension is granted by the building inspector for reasonable cause.

H. Fees for Building Permits and Inspections for One- and Two-Family Dwellings Constructed on or after June 1, 1980. Fees are as stated in the City of Eau Claire Fees and Licenses Schedule.

I. Violation and Penalties.

1. No person shall erect, use, occupy or maintain any one-family or two-family dwelling in violation of any provision of this section or the Uniform Dwelling Code or permit any such violation to be committed. Every day of violation shall constitute a separate offense. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$20 nor more than \$500, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one day or more than six months or until such forfeiture and costs are paid.

2. If, after written notification, the violation is not corrected within the specified time, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

3. Each day each violation continues after the specified time period has run shall constitute a separate offense. Nothing in this section shall preclude the issuance of a citation or citations pursuant to Chapter 1.24 or shall preclude the city from maintaining an appropriate action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code.

4. If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

J. Appeal. Any person feeling aggrieved by an order or a determination of the building inspector may appeal the decision in accordance with S. COMM 20.21.

K. Liability for Damages. This chapter shall not be construed as an assumption of liability by the city for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment. (Ord. 6363 §36, 2002; Ord. 6239 §1, 2001; Ord. 6164 §1, 2001; Ord. 5584 §1, 1996; Ord. 5399 §4, 1994; Ord. 5332, 1993).

**16.04.020 Short title.** The remainder of this chapter shall be known as the "Building Code of the City of Eau Claire". (Ord. 5332, 1993).

**16.04.030 Purpose.** The purpose of this code is to protect the health, safety and welfare of the public by establishing minimum standards for the safe and stable design, construction, structural strength, quality of materials, adequate egress facilities, sanitary facilities, natural lighting, heating and ventilating, energy conservation, and fire safety for all buildings and structures existing in the city of Eau Claire and those hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and by regulating the use and occupancy of all buildings and structures. (Ord. 5332, 1993).

**16.04.040 Scope.** Buildings and/or structures hereafter erected, enlarged, altered, repaired, moved, converted, or demolished in the city shall conform to all the requirements of this code or one of the adopted codes having jurisdiction over such construction. The provisions of this code shall be deemed to supplement any and all laws of the State of Wisconsin and regulations of the State Administrative Building Code, specifically including, but not limited to Chapters COMM 20-25, 61-65, 66, and 69, prepared by the State of Wisconsin Department of Commerce, Safety and Buildings Division, pertaining to construction and use, and shall in no way conflict with such codes unless specifically mentioned in a section. These state codes are adopted by reference, the content thereof to be administered and enforced in conjunction with this code by the Inspection Services Division, Department of Community Development, City of Eau Claire. (Ord. 6484 §1, 2004; Ord. 6164 §2, 2001; Ord. 5484 §7, 1995; Ord. 5332, 1993).

**16.04.050 Definitions.** Definitions contained in Title 18 and COMM Chapters 20, 51, and 61 are hereby adopted by reference. Where there is a conflict between codes and ordinances, the following definitions and those found in Title 18 shall apply:

1. **"Approved"** means approved by the building official or other authority having jurisdiction.
2. **"Area" (building)** means the maximum horizontal measurement of a building, including any extensions, and expressed in square feet. Measurements to be taken below grade, at grade or above grade.
3. **"Area" (floor)** means actual area of floors measured from inside faces of interior and exterior walls.
4. **"Areaway"** means an uncovered subsurface space adjacent to a building and primarily intended for the admission of light and air to rooms below grade.
5. **"Beam"** means a primary structural member which supports secondary structural members such as joists and rafters. Its material may be of solid or laminated wood, steel, reinforced concrete or prestressed concrete.
6. **"Beam, grade"** means a reinforced concrete beam supporting the exterior wall construction in contact with the earth but supported by piers.
7. **"Bearing"** means a table formed by vertical framing members and which forms a base for support of floor, ceiling and roof systems.
8. **"Block, lintel"** means a formed hollow masonry unit shaped so as to provide top depressions for the accommodation or reinforcing steel and concrete.
9. **"Brace"** means a temporary or permanent framing member installed for the purpose of resisting horizontal or vertical forces.
10. **"Brace, corner"** means a framing member installed diagonally in wood frame exterior walls to resist racking forces.
11. **"Breeching"** means a duct, normally of heavy gauge metal, which conducts products of combustion from fuel-fired appliances to a chimney or stack.
12. **"Bridging"** means framing members either placed at an angle from top to bottom alternately in joist spaces, or solid two-inch blocks placed full joist depth, and intended for the purpose of transmitting direct floor and roof loads over wider areas.
13. **"Building"** means a structure having a roof supported by columns or walls.
14. **"Building, accessory"** means a subordinate building, the use of which is incidental to that of the main building on the same lot.
15. **"Building, main"** means a building in which is conducted the principal use of the lot on which it is situated (including attached garages).
16. **"Building code committee"** means a committee of five persons appointed by the city manager, and whose principal functions are the consideration of amendments to the building code and the hearing of appeals from aggrieved persons regarding decisions of the building inspector.
17. **"Building, nonconforming"** means an existing building which in some respect does not meet the requirements of this code.

18. **"Building official"** means the officer charged with the administration and enforcement of this code, or a duly authorized representative.
19. **"Building service equipment"** means the mechanical, electrical, plumbing or elevator equipment, including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, firefighting and transportation facilities essential for the habitable occupancy of the building for its designated use and occupancy.
20. **"Carport"** means a roofed space having at least two sides open to the weather, primarily designed or used for parking and storage of motor vehicles.
21. **"Certificate of occupancy"** means a document issued by the building official, upon application therefor, which states that all of the provisions of this code and of the zoning ordinance have been fully complied with by the owner or contractor.
22. **"Column"** means a vertical, free standing, end load-bearing structural member; a compression member.
23. **"Concrete"** means a mixture of portland cement, fine aggregate, coarse aggregate and water.
24. **"Concrete, plain"** means concrete that does not conform to the definition for reinforced concrete.
25. **"Concrete, ready mixed"** means concrete mixed in truck transit by a concrete supplier, and ready for placement upon arrival at a building site.
26. **"Concrete, reinforced"** means concrete containing reinforcement and designed on the assumption that the two materials act together in resisting forces.
27. **"Dampproofing"** means a treatment of a surface or structure which retards the passage of water.
28. **"Fire stop"** means a solid, tight closure placed so as to restrict the spread of smoke and fire in concealed spaces.
- 28a. **"Flange"** means the section of a structural shape, normally a beam, which occurs at each end of the web and at right angles thereto.
29. **"Flashing"** means sheet metal or other water impervious material used in roof and wall construction to protect a building from seepage of water to interior areas.
30. **"Footing"** means that portion of the foundation of a structure which spreads and transmits structure loads directly to the soil or to piles.
31. **"Foundation"** means construction, below or partly below grade, which provides support for exterior walls or other structural parts of the building.
32. **"Frost line"** means the depth below finished grade where frost action on footings or foundations is improbable.
33. **"Furring strip"** means wood strips, usually one inch thickness, fastened to wall, ceiling and floor framing, and which serve as a fastening base for finished surface materials.
34. **"Garage, attached"** means a garage having all or part of one or more walls common to the dwelling or to a covered area attached to the dwelling.
35. **"Garage, detached"** means a garage which is completely surrounded by open space.
36. **"Garage, built-in"** means a garage located within the exterior walls of the dwelling.
37. **"Girder"** means the same as beam.
38. **"Girt"** means a wall member installed at right angles and fastened to vertical wall supporting members for the purpose of anchoring exterior facing thereto.
39. **"Grade, lumber"** means the classification given building framing lumber in accordance with predetermined standards as set forth by Lumber Manufacturers Association in conjunction with NBS Voluntary Product Standard PS-20-70, American Softwood Lumber Standard.

40. **"Grade, finish"** means the top surface elevation of lawns, walks, drives or other improved surfaces after completion of construction or grading operations. When used as a reference point in measuring building height, the grade shall be the average elevation of the finished ground at the exterior walls of the building.
41. **"Grade, natural"** means the elevation of the original or undisturbed natural surface of the ground.
42. **"Grounds"** means small strips of wood used to maintain the thickness of plaster at floor intersections and at openings; and for the attachment of trim, base and other millwork.
43. **"Grout"** means masonry mortar of pouring consistency such as used to fill voids of masonry units.
44. **"Hallway"** means the same as corridor.
45. **"Hallway, public"** means a public corridor or space separately enclosed or providing common access to all the exitways of a building in any story.
46. **"Header"** means a framing member installed perpendicular to floor, ceiling and roof framing members, and which supports members which terminate at vertical floor, ceiling and roof openings.
47. **"Joist"** means a series of floor, ceiling or roof framing members.
48. **"Ledger"** means a horizontal wood member which serves to support floor, ceiling or roof framing members in situations when these members cannot be placed on a direct bearing surface.
49. **"Lintel"** means the beam or girder placed over an opening in a wall, which supports the wall, floor, ceiling or roof structure above.
50. **"Listed"** refers to appliances and accessories which are shown in a list published by an approved, nationally recognized testing agency, namely the American Gas Assoc., Inc Laboratories, and Underwriters Laboratories, Inc., qualified and equipped for experimental testing, and maintaining an adequate periodic inspection of current production of listed models, and whose listing states either that the appliance or accessory complies with nationally recognized safety requirements, or has been tested and found safe for use in a specified manner Compliance is determined by the presence on the appliance or accessory of a label of the above named testing agencies.
51. **"Load, dead"** means the weight of all permanent construction, including walls, floors, roofs, partitions, stairways and of fixed service equipment.
52. **"Load, live"** means the weight superimposed by the use and occupancy of the building or structure, not including the wind loads, earthquake load or dead load.
53. **"Lookout"** means the horizontal framing member extending from end of rafter to exterior wall of building, and which supports soffit-facing material.
54. **"Lot"** means the same as building site.
55. **"Lot line"** means a line dividing one lot from another, or from a street or other public space.
56. **"Lumber, American standard"** means lumber conforming to the basic minimum size and grade provisions of the American Lumber Standards, when graded under rules approved by the Board of Review of the American Lumber Standards Committee, as hereinafter provided may be designated American Standard Lumber.
57. **"Lumber, dimensions"** refers to NBS Voluntary Product Standard PS-20-70, American Softwood Lumber Standard, Sept. 1, 1970, as adopted by reference to this code.
58. **"Lumber, dry"** means lumber which has been seasoned or dried to a moisture content of nineteen percent or less.
59. **"Lumber, grade"** see "grade".
60. **"Lumber, green"** means lumber having a moisture content in excess of nineteen percent.
61. **"Mobile home"** means a transportable single unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a



permanent foundation, for year-round living. A single unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity.

62. **"Moisture content"** means the weight of the water in wood, expressed in percentage of the weight of the dry wood.

63. **"Monolithic"** means a single large block or unit of stone or precast concrete.

64. **"Nail base"** means a sheathing material with sufficient density to permit its satisfactory use as a base for nail retention, particularly as it applies to the fastening of siding.

65. **"Nominal size"** means the commercial size given a piece of lumber or other material by the trades, other than its actual expressed size.

66. **"Occupancy load"** means the number of individuals normally occupying the building or part thereof, or for which the exit facilities were designed.

67. **"Passageway"** means an enclosed hallway or corridor connecting a required exit to a street or open area.

68. **"Patio"** means an open sided area adjacent to a building with a surfaced or semisurfaced floor, one which may or may not be roofed over.

69. **"Perm"** means the unit of measurement of the water vapor permeance of a material. Value of one perm is equal to one grain of water vapor per square foot per hour per inch of mercury vapor pressure difference.

70. **"Plate"** means a horizontal wood member which provides bearing and anchorage for wall, floor, ceiling and roof framing.

71. **"Plate, sill"** means a plate on top of foundation wall which supports floor framing.

72. **"Plate, wall"** means a plate at top or bottom of wall or partition framing, and further defined as top plate, at top, and sole plate, at bottom.

73. **"Plate, rafter, or joist"** mean a plate at the top of masonry or concrete wall supporting rafter or roof joist and ceiling framing.

74. **"Plinth"** means a solid concrete or masonry block at the base of a column. An ornamental wood trim member forming a base for door casing and a stop for baseboard.

75. **"Purlin"** means an intermediate supporting member at right angles to rafter or truss framing.

76. **"Rafters"** means a series of roof framing members, supporting roofs having slopes greater than three inches in twelve inches. Members supporting roofs having slopes three inches in twelve inches or less are defined as roof joists.

77. **"Ribbon"** see "Ledger".

78. **"Ridge board"** means the framing member forming the roof ridge on intersecting roofs and which serves as a base for ridge cut of the rafter.

79. **"Roof, flat"** means a roof having a slope of three inches in twelve inches or less.

80. **"Roof, gable"** means a two-way pitched roof which intersects at the ridgeline and has a pitch exceeding three inches in twelve inches.

81. **"Roof, gambrel"** means a two-way pitched roof which intersects at the ridgeline and with each roof slope having two distinct pitches.

82. **"Roof, hip"** means a four-way pitched roof which intersects both at the ridgeline and the hipline. All rafters bearing directly on exterior wall plates and the rafter pitch exceeding three inches in twelve inches.

83. **"Roof, mansard"** means a flat roof combining pitched projection around the perimeter of the building.

84. **"Roof, pitched"** means a roof having a slope of over three inches in twelve inches.

85. **"Roof structure"** means a structure above the roof of any part of a building enclosing a stairway, tank, elevator, machinery or heating or ventilating apparatus, or such part of a shaft as extends above the roof.

86. **"Room"** means a space within an enclosed building and set aside from other rooms or space by a permanent partition or partitions.
87. **"Room, habitable"** means a space used for living, sleeping, eating or cooking, or combinations thereof, but not including bathroom, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, basement recreational rooms and similar spaces.
88. **"Room height"** means the vertical distance as measured from top of finished floor to face of finished ceiling.
89. **"Rooming unit"** means any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.
90. **"Sheathing"** means material fastened to studs for the purpose of structural strength and resistance to racking.
91. **"Sill"** means bottom members of door and window frames, or the area between top of foundation wall and floor framing.
92. **"Sill, seal"** means resilient material placed between floor framing and exterior foundation walls to retard horizontal air passage.
93. **"Sleeper"** means wood block or strip embedded and keyed in concrete for the purpose of anchoring surface finish materials thereto.
94. **"Soffit"** means horizontal enclosed surface under cornice projections, or dropped ceiling areas under which kitchen cabinets, etc., may be installed.
95. **"Soil"** means granular material which supports a building or structure.
96. **"Soil, fill"** means placement of soil in a natural or excavated ground depression.
97. **"Soil, organic"** means soil derived from or containing living organisms.
98. **"Soil, original"** means that soil which has not been altered by excavation.
99. **"Soil, undisturbed"** see "Soil, original".
100. **"Span"** means the unsupported horizontal distance between bearing points for horizontally placed framing members.
101. **"Special building district"** means the territory defined and mapped by city ordinance and which limits the materials of construction in buildings constructed within.
102. **"Stairway"** means one or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.
103. **"Street line"** means a lot line dividing a lot from a street.
104. **"Structure"** means anything constructed or erected having location on or underground or attached to something having location on or under the ground.
105. **"Strut"** means a structural brace normally used as an integral part of designed trusses, joists, etc.
106. **"Stucco"** means a plaster product, the ingredients of which render it to be suitable for exterior use as a finished wall surface on buildings.
107. **"Studs"** means a series of vertical wall or partition framing members.
108. **"Subfloor"** means material applied directly to the top edge of floor joists.
109. **"T & G"** means tongue and groove.
110. **"Trimmer"** means a second horizontal framing member resulting in doubled members around the perimeter of vertical floor, ceiling and roof openings.
111. **"Truss"** means a structural framework composed of a series of members so arranged and fastened together that external loads applied at the joists will cause only direct stress in the members.
112. **"Trussed rafter"** means a truss where the chord members are also serving as rafters and ceiling joists and are subject to bending stress in addition to direct stress.
113. **"Underlayment"** means a course of floor material directly above the subfloor and applied as a base for any of a number of floor coverings.

114. **"Valley"** means the exterior roof angle formed by the intersection of two pitched roof slopes.
115. **"Vapor barrier"** means the water resistive membrane installed on the interior side of exterior building walls to prevent the penetration of water vapor through the wall.
116. **"Vent connector"** means the duct or pipe which connects the main building vent to the gas appliance so as to form a continuous open passageway from appliance to outside atmosphere for the purpose of removing products of combustion.
117. **"Web"** means a section of a structural shape, normally a beam, which connects the flanges.
118. **"Wood frame"** means a building or structure, the basic framework of which is wood.
119. **"Wythe"** means the single, vertical course of wall masonry or other material. (Ord. 6484 §2, 2004; Ord. 5332, 1993).

**16.04.060 Highest standards prevail.** In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on the effective date of the ordinance codified in this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. Except as otherwise specifically provided, in any case where a provision of the ordinance codified in this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of the ordinance codified in this chapter, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of the ordinance codified in this chapter shall prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with the ordinance codified in this chapter. (Ord. 5332, 1993).

## II. ADMINISTRATION

**16.04.070 Building inspector--Qualifications--Duties.** A. The building inspector shall have the necessary ability to supervise the general construction of buildings and the installation of permanent building equipment.

B. The building inspector shall be included within the surety bond covering city employees which is approved by the city council and which is conditioned upon the faithful performance of the duties of such employees.

C. The building inspector shall have, except where otherwise provided in this chapter, the general management and control of all matters pertaining to his or her office and shall enforce all state laws and city ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.

D. The building inspector shall have full power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter.

In case of dispute of anything bearing on a structural matter pertaining to this code, the building inspector shall have the privilege to ask for the assistance of a professional engineer or architect.

E. The building inspector shall keep a record of all building permits and regularly number each permit in the order of its issue. The inspector shall keep a record showing the number, description and valuation of all buildings erected during his or her term of office. The inspector shall prepare suitable forms for the applications and permits required and keep in his or her office a proper daily record of all of the transactions of his or her office and file a monthly and yearly report covering the same with the city council. The yearly report shall cover the period closing December 31st of each year, shall be filed on or before January 31st next thereafter, and shall show the total amount of fees earned, and a summary of the work of his or her office during said period.

F. The inspector may, consistent with the provisions of Wisconsin Statutes, Sections 66.122 and 66.123, enter during reasonable hours any building or premises to make an inspection thereof, and to require the production of the permit for any building or permanent building equipment. No person shall refuse to permit such entry in the case of an emergency, or in any other case after a valid special inspection warrant has been duly issued therefor under Wisconsin Statute Section 66.122 and 66.123, nor shall any person interfere with said inspector in the performance of his or her duties.

G. The building inspector shall have full power and authority to reject the use of improper or unfit materials in the construction, alteration and repair of buildings and other structures. All material and building components shall be used and installed as per manufacturer's recommendations or in accordance with its listing. (Ord. 5332, 1993).

**16.04.080 Permit--Application--Issuance.** A. No building or structure or any part thereof shall hereafter be built, enlarged, altered, moved on to a site or demolished within the city, or permanent building equipment installed (except as hereinafter provided) unless a permit therefor shall first be obtained from the building inspector by the owner, or his agent, together with sidewalk grade from the city engineer. No building permit is required for work to be performed which is deemed minor repair or for underground tanks requiring a permit from the Eau Claire fire department.

The term "building" as used in this section shall include any building or structure and the permanent building equipment thereof and any enlargement, alteration, demolishing or moving on site of any building or structure or of permanent building equipment therein; also any material in any old building and the installation and piping of underground tanks, vaults and similar structures. "Permanent building equipment" shall include any and all provisions in a building for water, light, heat, power or ventilation service therein.

B. Application for a building permit shall be made in writing upon a blank form furnished by the building inspector stating the name and address of the owner of the building, the owner of the land upon which it is to be erected, the name and address of the architect or designer, shall describe the location of the building and purpose for which it is to be used, and shall contain such other information as the building inspector may require. With such application there shall be submitted to the building inspector two complete sets of plans and specifications covering the proposed building, alterations or improvements. A site plan showing the location of the building with respect to adjoining streets, alleys, lot lines and buildings, and also proposed drainage, parking arrangement, driveways or other pertinent information required by the building code or the zoning code shall be included, unless such has been submitted to, reviewed and approved by the Zoning Administrator or the Plan Commission. The site plan shall show positive drainage away from all buildings and shall indicate the elevation of the final front property line and the new garage floor or parking lot which must be elevated above the front property line such that the slope of the driveway is between one and fifteen percent. The elevation of the front property line shall meet the existing or proposed sidewalk elevations as established by the City Engineer's office. Driveway slopes desired to be beyond these limits will require special approval of the City Engineer. Driveways serving detached garages located at least 60 feet from a public street need not comply with this requirement. All building plans shall be drawn to a scale of not less than one-eighth inch per foot. Site plans shall be scaled in accordance with chapter 18.45. All distances and dimensions shall be accurately figured. Drawings that do not show all necessary details to enable the building inspector to inspect and examine them intelligently and work thereunder shall be rejected. In buildings of reinforced concrete construction, the plans shall show the system of reinforcement, size and location of steel, and size of columns, girders, beams and slabs.

C. If, in the opinion of the building inspector, the character of the structure and work is sufficiently described in the application, he may waive the filing of plans, provided the cost of such work does not exceed \$5,000.

D. If the building inspector finds that the proposed building will comply in every respect with all ordinances of the city and all laws and lawful orders of the state of Wisconsin, he or she shall officially approve it and stamp one set of plans, returning them to the owner, and shall issue a building permit therefor, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with the written consent of the building inspector. In the case of a commercial or industrial building where adequate plans are presented, including an approved site plan, and work is carried out under the directions of a professional engineer or registered

architect, the building inspector may, at his or her discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit or waiver of plans has been issued.

E. No building permit shall be issued for any building or structure proposed to be located within any area designated as having a temporary zoning classification pursuant to the provisions of Wisconsin Statutes, Section 66.021(7)(a). (Ord. 6164 §3, 2001; Ord. 5332, 1993).

**16.04.090 Permit--Fees.** A. Before receiving a permit for buildings or structures containing the following uses, the owner, or his agent, shall pay to the city treasurer a fee as stated in the City of Eau Claire Fees and Licenses Schedule. (A building containing multiple uses shall be charged per the applicable use rate.)

1. Group I: Residential Uses, Apartments/ Condominiums, Three-Family and Over, Row Houses, Multiple Family Dwellings.
2. Group II: Industrial, Machine Shop, Public Works and Utilities, and all other nonresidential uses not listed in other groups.
3. Group III: Warehouse, Mini-Warehouse, Freight Terminal, Storage Building, Parking Garage, and Building Shell (intended for future tenant space development).
4. Group IV: Office, Professional, Clinic, Hotel/Motel, Retail, School and Other Educational, Laboratory, Church and Other Religious, Funeral Home, Library, Assembly Hall, Amusement, Social and Recreational.
5. Group V: Hospital, Institutional, Nursing Home, Restaurant, Tavern, Repair Garage, Service Station, Convenience Store.
6. Group VI: Structures other than buildings.
7. Private attached garages and accessory buildings - agricultural buildings exempt from certain codes by Wisconsin Statutes.
8. Alterations, repair, and remodeling of all types and uses of buildings.
9. Plan examination, additions to and alterations of one- and two-family dwellings.
10. Re-roofing permits.
11. Wrecking - per building.
12. If the setting of grades is required in connection with any work performed under this subsection, a fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be paid in addition to the permit fee.
13. Permit to start construction--Footing and foundation to grade.
14. Parking surface permit.
15. Construction site erosion control enforcement fee (disturbance of 1,000 sq. ft. or greater).

B. Plan examination and approval service for all types of buildings and structures specified in COMM 61.30, Wisconsin Administrative Code, except state-owned buildings and structures, shall be provided by the city building inspection division for buildings to be constructed, altered or enlarged within the corporate limits of the city, pursuant to s. 101.12, Wis. Stats., and which fall into the following categories:

1. A new building or structure containing less than fifty thousand cubic feet in total volume;
  2. An alteration of a space involving less than one hundred thousand cubic feet in total volume;
  3.
    - a. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume;
    - b. An addition containing no more than 2,500 sq. ft. of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
  4. Heating and ventilating for buildings or spaces listed in 1, 2 and 3.
- C. Project waiver. 1. The city building inspection division may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department of Commerce for review and approval.
2. The Department of Commerce may waive its jurisdiction for the plan review of a specific project, where agreed to by the city building inspection division, in which case plans and specifications shall be submitted to the inspection division for review and approval.
- D. Before performing the plan examination and approval service as set forth in subsections B. and C., the owner, or his agent, shall pay to the city treasurer a fee as stated in the City of Eau Claire Fees and Licenses Schedule.
- E. Special requested inspections, such as those necessary to fulfill a condition of a sales transaction or which are necessary due to a desired change in use of a building, will be conducted after payment of a fee as stated in the City of Eau Claire Fees and Licenses Schedule. (Ord. 6484 §3, 2004; Ord. 6363 §36, 2002; Ord. 6239 §1, 2001; Ord. 6164 §4, 2001; Ord. 5584 §2, 1996; Ord. 5484 §8, 1995; Ord. 5399 §4, 1994; Ord. 5332, 1993).

**16.04.100 Permit--General conditions.** A. With every permit issued, the building inspector shall issue to the applicant a weatherproof card, properly filled out. It shall be the duty of the applicant to place such card in a conspicuous place on the premises where the building is to be erected or demolished. The card is to be unobstructed from public view, not more than fifteen feet above grade and protected from damage.

B. A building or wrecking permit shall have lapsed and be void unless building or wrecking operations are commenced within six months from the date of issuance thereof. Lapsed permits may be renewed at a fee as stated in the City of Eau Claire Fees and Licenses Schedule within six months from the date of expiration. A permit shall expire if work on a building project is ceased for a period of twelve months or if 36 months has elapsed since permit issuance. Expired permits may be re-issued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or re-issuance shall apply to the building or wrecking project.

C. All exterior trim, siding, roofing, painting, entryway platforms, steps, sidewalks, driveways, grading and planting of disturbed areas not otherwise improved shall be complete within a period of one and one-half years from the date of the commencement of building construction, unless an extension is granted by the building inspector for reasonable cause. Wrecking projects shall be complete within three months from the date of the commencement of wrecking operations, unless an extension is granted by the building inspector for reasonable cause.

D. If the building inspector finds at any time that the applicable ordinances, laws, orders, plans or specifications are not being complied with, he or she shall revoke the permit, and written notice of such action shall be posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting such work as the building inspector shall, by written order, require to be done as a condition precedent to the reissuance of the permit.

E. It shall be the duty of all police officers to report at once to the building inspector any building upon or in which they know work is being carried on without a permit as required by this chapter.

F. Buildings and building sites shall be inspected at such time and in such manner as may be necessary to secure compliance with the laws, ordinances, rules, orders and approved plans applicable thereto. The following inspections are the minimum required at each permitted project unless waived by the building inspector. All inspections shall be conducted by the building inspector or his designee.

1. Footing inspection prior to placing concrete or other structural components.
2. Rough-in inspection prior to closing of walls and ceilings.
3. Final grading/pre-pavement inspection of all driveways and parking lots.
4. Final inspection as described below.

G. All buildings, additions and alterations shall have final inspection upon completion and before occupancy, except as herein provided. If, on the final inspection by the building inspector, the electrical inspector, the plumbing inspector and the heating inspector, no violation of this or any other ordinance, law or order be found, the fact shall be so certified to by the zoning administrator and building inspector, who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used. No building or part thereof shall be occupied until such final inspection is conducted and certificate has been issued except with the written consent of the building inspector, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. The certificate of occupancy may be waived for accessory buildings and structures, small additions, minor alterations or those projects where no zoning ordinance requirements are affected. (Ord. 6363 §36, 2002; Ord. 6239 §1, 2001; Ord. 6239 §1, 2001; Ord. 5858, 1998; Ord. 5332, 1993).

**16.04.110 Unsafe buildings--Determination--Abatement.** A. Whenever the building inspector finds that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire,



unsecured doors, windows and other openings, general dilapidation or other cause, he or she shall order the owner or tenant thereof to cause it to be made safe or to be removed, as in the judgment of the building inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause it to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this chapter.

B. 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 with the expense of such work to be recovered by the city in action against the owner or tenant, or the expense may be assessed against the property upon the tax roll. The Fire Department and City/County Health Department shall give all reasonable assistance to the building inspector in such work. (Ord. 5332, 1993).

**16.04.120 Alterations and repairs.** The following provisions shall apply to buildings altered or repaired:

A. Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of nonconforming type of construction, which affect the structural strength, fire hazard, exits, required natural lighting, or replacement of major equipment, then such construction shall be made to conform to the minimum requirements of this code applicable to such occupancy and use and given type of construction.

B. Minor Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, energy conservation, access to or efficiency of any exit stairway or exits, fire protection, or exterior aesthetic appearance, and which do not increase a given occupancy and use, shall be deemed minor repairs not requiring a building permit. Residing, reroofing or replacement of more than 25 percent of a building's interior wall and ceiling plaster, gypsum wallboard or similar wall surfaces shall not be deemed minor repair.

C. Major Alterations and Repairs. If alterations and repairs are proposed to be made at a cost which will exceed fifty percent of the current fair market value of said building, the alterations and repairs as well as all other existing noncomplying building components found necessary for adequate safety shall be made to comply with the requirements of this code. If the subject building is damaged by fire or other cause, the fair market value is that value before such damage occurred.

D. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength. Upon failure to comply with the above structural repairs by the owner, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this code are complied with. (Ord. 5332, 1993).

**16.04.130 Building use changes.** If the use or occupancy of an existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements of this code or the applicable state code for new buildings. (Ord. 5332, 1993).

**16.04.140 Building maintenance.** The requirements contained in this code covering the maintenance of buildings shall apply to all buildings and/or structures now existing or hereafter erected. All buildings and/or structures and all parts thereof shall be maintained in a safe condition, and all devices or safeguards which are required in the erection, alteration or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or nonmaintenance of any existing devices or safeguards unless authorized in writing by the building inspector. (Ord. 5332, 1993).

**16.04.150 Penalty and violations.** A. Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be punished by a forfeiture of not less than \$20 nor more than \$500, together with the costs of prosecution, and every day of violation shall constitute a separate offense. If the defendant fails or refuses to pay the forfeiture and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail for a term not to exceed three months unless the forfeiture and costs are sooner paid.

B. A stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

C. Nothing in this section shall preclude the issuance of a citation or citations pursuant to Chapter 1.24 or shall preclude the city from maintaining an appropriate action to prevent or remove a violation of any provision of this chapter. (Ord. 5332, 1993).

**16.04.160 Building code committee.** A. Creation and Membership. For the purpose of considering amendments, appeals, and the approval of new building materials or methods, there is created a building code committee. The committee shall consist of five members appointed by the city manager and confirmed by the city council, at least one of whom shall be a registered architect, at least one of whom shall be a registered professional engineer and at least one of whom shall be a member of the Eau Claire area home builders association or an individual currently active in the home building field.

Of the members first appointed hereunder, one shall be appointed to a one-year term, two shall be appointed to a two-year term and two shall be appointed to a three-year term. Thereafter, the term of office shall be three years. The term of office for the initial appointees under this subsection shall commence as of July 1, 1972.

B. Appeals. An appeal may be taken to the building code committee by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the building inspector. Application for appeal may be made when it is claimed that:

1. The true intent of the building code or the regulations adopted thereunder have been incorrectly interpreted; or

2. The provisions of the code do not fully apply. The appeal shall be made within such time as shall be prescribed by the building code committee by filing with the building inspector a notice of appeal specifying the grounds thereof, which appeal shall be accompanied by a fee as stated in the City of Eau Claire Fees and Licenses Schedule, payable to the treasurer of the city. The building inspector shall, within seven days of the receipt thereof, transmit to the committee all of the papers constituting the record upon which the action appealed from was taken. The committee shall thereupon hold a public hearing on the appeal within thirty days of the receipt thereof. Final action shall be taken not more than fifteen days from the date of termination of the public hearing.

All decisions and findings of the building code committee, on appeals, shall in all instances be final administrative determinations and shall be subject to review by court as by law may be provided. A copy of such findings shall remain on file in the office of the building inspector as public records.

C. Amendments.

1. Proposed amendments to the building code shall be filed with the building inspector, in such form and accompanied by such information as shall be required by the building inspector and the building code committee. This data shall be forwarded by the building inspector to the committee. The committee shall thereupon hold a public hearing on the proposed amendment, within thirty days of the receipt thereof.

2. The building code committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant.

3. The building code committee shall make written findings of fact and shall submit them, together with its recommendations, to the city council for final action.

The city council shall act finally upon an application for a proposed amendment within thirty days after the time of its receipt from the building code committee.

D. Application for Approval of New Materials or Methods.

1. Submission of New Materials or Methods. Any person desiring to submit any building materials, methods or systems of construction, or arrangements of material to determine the adaptability of the same for building purposes, or to establish the safety qualifications of any substance for occupancy purposes not having been provided for in this code, and not having been previously approved for use by the building inspector or certified by the building code committee, shall make application in writing to the building inspector setting forth the merits claimed, and the purpose desired, together with such laboratory tests and other supporting data as the applicant may wish to furnish. If, in the judgment of the building inspector, further evidence is necessary to ensure the adaptability or safety of the same, he or she may require further tests to be made or additional data submitted by another recognized testing, research and evaluation agency.

2. Recommendation by the Building Inspector. Upon the completion of his investigation of the tests and data submitted, the building inspector shall report to the committee the results of such investigation and recommend whether or not the use of such materials, methods, systems or arrangement of materials for construction should be permitted in buildings erected under the provisions of this code. Such recommendation shall be in writing and shall set forth the reasons relied upon in making such recommendations.

3. Certification by the Building Code Committee. If, on consideration of the report and recommendation of the building inspector, and on the basis of such further investigation as it may deem necessary, the committee shall determine that such materials, methods, systems, or arrangement of materials for construction are satisfactory for use in buildings constructed under this code, it shall certify this fact to the building inspector, who shall record such certification in the records of the building inspector. The committee may, in its judgment, also submit such recommendations as it deems necessary to the city council.

In addition, the committee, upon the request of the building inspector, is empowered and authorized to make such other analyses and recommendations of combinations of materials of standard practice in the building industry, and of mechanical equipment, devices and appurtenances relative to building construction and maintenance.

E. Meetings and Rules. All meetings of the building code committee shall be held at the call of the chairman and at such times as the committee may determine. A copy of every report of recommendation of the building code committee shall be filed immediately in the office of the building inspector and shall be a public record. The building code committee shall adopt its own rules and procedure, not in conflict with the provisions of this code or with applicable Wisconsin Statutes. (Ord. 6363 §36, 2002; Ord. 5332, 1993).

### III. CONSTRUCTION -- GENERAL

**16.04.170 Requirements applying to all buildings.** A. Roofing. All roofing shall be installed to shed water and as per the manufacturer's recommendations. If a product is listed by a testing agency, their installation procedures must also be followed.

1. Built up roofing or pitch and gravel-type roofing shall not be installed or added so as to exceed the roof's designed dead load.

2. Adding layers of shingles or other roofing material. Adding additional layers will be allowed only if the roof's designed dead load will not be exceeded. A maximum of three layers of shingles is permitted.

B. Frost Protection. Buildings and structures constructed during freezing conditions or partially completed construction projects which are suspended during winter time months must have footings, foundations and slabs adequately protected to prevent damage due to frost. No footings, slabs or floors shall be placed over frozen material. Concrete and masonry placed during cold weather shall be protected in accordance with guidelines of the American Concrete Institute. (Ord. 5332, 1993).

**16.04.180 Construction requirements--Applicability.** The provisions of the State Uniform Dwelling Code, COMM Chapters 20-25 of the Wisconsin Administrative Code, are hereby adopted along with the following specific requirements to apply to buildings, additions and alterations thereto, used as one- and two-family dwellings constructed prior to June 1, 1980 and to any accessory building or other buildings or structures not included within the scope of another adopted code. The following requirements are meant to supplement the Uniform Dwelling Code, however, some may be more and some less stringent than the requirements of the Uniform Dwelling Code. When there is a conflict between these requirements and the applicable adopted code, these requirements shall apply regardless of the provisions of S. 16.04.060.

A. One- and Two-Family Dwellings.

1. Additions shall have frost footings 4 feet below grade. The addition's footings may be less than 4' below grade if designed by an architect or professional engineer so as to prevent damage due to frost. Properly designed grade beam type footings will be permitted if supporting an unheated area.

2. Minimum floor space and room arrangement of a dwelling or dwelling unit shall be as specified in section 16.08.100 A., B., and C. of the city housing code.

3. Main exit exterior stairways to all second floor separate dwelling units shall be constructed of treated or naturally decay-resistive wood and shall be either covered or constructed in a manner so as to allow rain and snow to drain and be removed easily.

4. Existing stairways serving newly created finished areas which do not meet the 3 feet minimum width requirement may exist at a 32 inch minimum width if a handrail is installed on only one side of the stairway. All other requirements of COMM 21.04 must be complied with.

5. Smoke detectors specified by COMM 21.09 shall be required when the cost of alterations, repairs or additions to one- and two-family dwellings exceeds 50 percent of fair market value of the building. Interconnection of the detectors will be required where the construction makes such feasible. If this cost is not exceeded, smoke detectors shall be installed and maintained in accordance with ss. 101.645(3), Stats., and the specifications of the manufacturer.

6. Energy conservation. Alterations which involve exterior walls, floors over unheated areas or ceilings below unheated areas shall include the addition of insulation to those affected areas so as to meet the minimum requirements of Chapter COMM 22. Additions shall also meet the requirements of Chapter COMM 22. The owner shall have the option of calculating the necessary compliance by using the cold surface areas of the addition only or may calculate the additions thermal performance in conjunction with those of the entire existing building. If the latter option is chosen, insulation levels of all concealed spaces must be determined, as well as thermal values of existing doors and windows.

7. Alterations and repairs will not be required to meet the provisions of COMM 21.03(8) and (9).

8. Habitable rooms below grade will be permitted if:

a. Existing foundation walls have no evidence of water penetration from the exterior of the structure or adequate alterations are made to correct such problems;

b. Compliance with all applicable requirements of COMM Chapters 21 through 23 is obtained.

B. Accessory Buildings & Structures

1. Foundations. The following requirements shall be in addition to those found in Subchapters III and IV of Chapter COMM 21.

a. Detached accessory buildings, unless constructed of concrete or masonry, need not have foundations installed below the minimum frost penetration.

b. Floating slab type foundations will be permitted if designed through structural analysis or constructed in accordance with the design as shown on a handout entitled "Garage Details" and available in the building inspectors' office.

c. Continuous footings will be allowed if constructed in accordance with the design shown on the above referenced handout.

d. Wood foundations utilizing approved pressure treated lumber and plywood will be allowed if designed and constructed in accordance with recognized standards.

e. All untreated wood, excluding door trim and jambs shall be kept a minimum of 4 inches above the concrete floor of a building used for motor vehicle parking and 3 inches above any exterior hard surfaced area.

f. All accessory buildings and structures shall be anchored so as to withstand an uplift pressure of 20 pounds per square foot acting over the surface area.

2. Only accessory buildings having a floor area of 200 square feet or less may contain a wood floor. Such buildings shall be placed on an approved foundation with a continuous masonry, concrete or treated wood curb to prevent rodent entry. The untreated wood floor must be at least 8 inches above grade.

3. A concrete floor meeting the requirements of Section COMM 21.203 shall be installed in all buildings or areas thereof where motor vehicles will routinely be driven and parked. Existing asphalt surfaces will be allowed to remain within the perimeter of a newly constructed carport.

4. Conventionally framed pitched roofs require ceiling ties at 4 feet maximum spacing.

5. Separation from dwelling units must be in accordance with COMM 21.08(1).

6. One foot minimum eaves shall be required on all buildings greater than 150 square feet unless such building is designed to match the architectural style of the main building.

7. Pole type buildings shall meet all applicable sections of this code, as well as the following requirements:

a. The following information shall be submitted. This submittal shall bear the seal of an architect or professional engineer registered in the state of Wisconsin. A master plan will be accepted which covers a series of buildings to eliminate separate submittal for each building:

(1) Framing plan showing all members, special erection instructions, and any required permanent bracing.

(2) Bearing support and connection details.

(3) Calculations to determine compliance with the following loads:

i. Snow load of 40 P.S.F.

ii. Wind load with a horizontal and uplift pressure of 20 P.S.F.

acting over the surface area.

(4) Calculations showing depth of pole embedment.

(5) Structural analysis of trussed rafters and pre-fabricated trusses.

b. All wood poles, grade boards, girts, and siding in contact with the earth shall be treated with preservative. All lumber and plywood required to be treated shall be identified by a quality mark or certificate of inspection of an approved inspection agency.

- c. All metal exterior coverings must be factory painted. Specifications and process of application may be required showing compliance with industry standards.
  - d. Trim shall be installed over all exposed portions of framing material used to construct eaves, overhangs, corners, door and window frames so as to completely finish the exterior of the building.
  - e. Company names or logos shall not be permitted on the exterior of the building.
  - f. All products used shall be installed per manufacturer's recommendations.
- C. Attached Garages and Carports.
- 1. Garages and carports shall have frost footings 4 feet below grade. If the existing building's footings are less than 4 feet below grade, the addition's footings may extend to such level only if designed by an architect or engineer so as to prevent movement due to frost. Properly designed grade beam type footings will be permitted if supporting an unheated area.
  - 2. Fire separation shall be in accordance with COMM 21.08(1). A carport having no enclosed uses above and entirely open on two or more sides need not have a fire separation between the carport and the dwelling.
  - 3. A concrete floor meeting the requirements of Section COMM 21.203 shall be installed in all buildings or areas thereof where motor vehicles will routinely be driven and parked. Existing asphalt surfaces will be allowed to remain within the perimeter of a newly constructed carport.
  - 4. All untreated wood, excluding door trim & jambs, shall be kept a minimum of 4 inches above the concrete floor of an area used for motor vehicle parking and 3 inches above any exterior hard surfaced area. (Ord. 6484 §4, 2004; Ord. 6164 §5, 2001; Ord. 5766 §1, 1997; Ord. 5332, 1993).

Residential accessory buildings shall conform to the size, height, and separation requirement found in Chapter 18.30 of the Zoning Ordinance.

#### IV. RETAINING WALLS

**16.04.190 Definitions.** A. "Retaining wall" means a wall designed to resist the lateral displacement of soil or other material.

B. "Retaining wall height" is measured along a retaining wall's vertical projection and is the distance from grade at its base to grade at its cap. A series of stepped retaining walls in which the step between them is less than the height of the next higher wall shall be considered as one retaining wall. (Ord. 5332, 1993).

**16.04.200 Permit required.** No retaining wall which is vertical or within 27 degrees of vertical, and more than 3 feet in height or between 27 and 45 degrees of vertical, and more than 10 feet in height and which exists closer to a property line than its height shall be constructed without a building permit having been issued therefor by the building inspector. The fee for said permit shall be as stated in the City of Eau Claire Fees and Licenses Schedule. Application for such permit shall be made in writing on forms furnished by the building inspector and shall contain appropriate plans and specifications, showing the proposed location of the retaining wall in relation to property and street lines and such other information as the building inspector may require in accordance with the provisions of this subchapter. The application shall generally comply with the standards required of an application for a building permit under section 16.04.080, insofar as the same is applicable. Retaining walls constructed under city contract and those approved along with building and site plans shall be exempt from permit requirements. (Ord. 6363 §36, 2002; Ord. 5332, 1993).

**16.04.210 Construction and structural design.** A. A retaining wall shall be designed to withstand the loads imposed upon it, including both dead and live load surcharges to which such walls are subjected, and to insure stability against overturning, sliding, excessive foundation pressure and water uplift. Unless drainage is provided, the hydrostatic head of the water pressure shall be assumed to be equal to the height of the wall.

B. Retaining walls which require a building permit shall be designed by an architect or professional engineer or in accordance with a recognized manufactured retaining wall system.

C. Forty-two inch high railings or other approved barriers shall be installed on or adjacent to the top of retaining walls which are located below and closer than two feet to a walk, path, parking lot or driveway used by the general public. (Ord. 5332, 1993).

**16.04.220 Unsafe retaining walls--Determination/abatement.** Whenever the building inspector or city engineer finds that an existing retaining wall, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, decay, general dilapidation or other cause, the property owner upon which the wall exists shall be ordered to cause it to be made safe or to be removed and replaced, as in the judgement of the building inspector may be necessary. The property owner of such structure shall thereupon immediately cause it to be made safe, or to be removed and replaced, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this chapter.

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 structure to be made safe or to be removed and replaced with the expense of such work to be recovered by the city in action against the owner, or the expense may be assessed against the property upon the tax roll. The city engineer shall give all reasonable assistance to the building inspector in such work. (Ord. 5332, 1993).

## **V. SWIMMING POOLS**

**16.04.230 Definitions.** In this subchapter, unless the context clearly indicates otherwise:

A. "Swimming pool" means a receptacle of water or an artificial pool of water having a depth capacity at any point of more than 2 feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment.

B. "Barrier" means a fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. (Ord. 5332, 1993).

**16.04.240 Permit required.** No swimming pool shall be installed or constructed without a permit having been issued therefor by the building inspector. The fee for said permit shall be as stated in the City of Eau Claire Fees and Licenses Schedule. Application for such permit shall be made in writing on forms furnished by the building inspector and shall contain appropriate plans and specifications, showing the proposed location of the swimming pool and such other information as the building inspector may require in accordance with the provisions of this subchapter. The application shall generally comply with the standards required of an application for a building permit under section 16.04.080, insofar as the same is applicable. (Ord. 6363 §36, 2002; Ord. 5332, 1993).

**16.04.250 Fencing.** A. All outdoor swimming pools having a depth capacity of 2 feet or more shall be provided with a barrier complying with this subchapter prior to use of the swimming pool. Barriers shall comply with the following:

1. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
2. Any doorway located in a building wall forming all or part of a barrier which opens to a swimming pool from a dwelling unit shall be exempt from the requirements of subsection B.
3. Barriers shall be not less than 4 feet in height above the ground level immediately below. The barrier shall be at least 4 feet in height above a plane extending horizontally away from the swimming pool for a distance of 4 feet from the fence or barrier.
4. Where the barrier consists of a chain link fence, the fence shall be of not less than 11 1/2 gauge chain link with a maximum mesh size of 1 1/4 inch square, or such other construction which will make access to the swimming pool area equally difficult.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the barrier and spacing between vertical members shall not exceed 1 3/4 inches in width.
6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1 3/4 inches. Other designs which will not allow small children to climb the barrier may have openings up to 4 inches.
7. Any open space between the bottom of the barrier and the ground shall not exceed 4 inches.
8. All barrier material and barrier posts shall be resistant to decay and corrosion and such posts shall be set in concrete bases or similarly secured.
9. Barriers shall be located so that permanent structures, equipment or similar objects cannot be used to climb the barrier.

B. Each barrier opening or point of entry into the pool area enclosure shall be equipped with a gate or door which complies with the above requirements. Each gate or door shall be equipped to accommodate a locking device. Pedestrian access gates or doors shall open outward away from the pool and shall be equipped with self-closing and self-latching devices placed at the top of the gate or at a place which is otherwise inaccessible to small children. Gates other than pedestrian access gates shall only require a latching device and shall be continually locked when not in use.

C. All such outdoor swimming pools which are located above ground and encompassed by an exterior wall having a height of 4 feet or more may utilize such wall as the required barrier, provided that all such above-ground pools shall be equipped with an effective fence and gate system at all points of entry to the pool constructed to the specifications contained in subsections A and B.

D. Prior to filling with water, each such outdoor pool shall be enclosed by either barriers as required above or a temporary construction fence. Such temporary fence shall be a snow fence or similar design at least 4 feet in height and securely anchored in place. The fence shall be constructed with its base flush to the ground and shall have supportive posts placed no more than 8 feet apart. The fence shall remain in place until such time as a permanent barrier is installed as provided in this section. The installation of a permanent barrier shall take place no later than 60 days after the initial filling of the swimming pool.

E. This section and section 16.04.260 shall apply to all swimming pools except those lawfully constructed prior to the effective date of this section (July 7, 1993). Any reconstruction, alteration or modification of a swimming pool lawfully constructed prior to the effective date of this section or its barrier shall be in compliance with the provisions of this section and section 16.04.260. (Ord. 5332, 1993).



**16.04.260 Construction and structural design.** A. All swimming pool plumbing and electrical facilities shall be installed in accordance and compliance with Chapter COMM 82, Wisconsin Administrative Code, and the Wisconsin State Electrical Code, COMM 16, Wisconsin Administrative Code. All swimming pools, other than above ground pools, shall be completely surrounded by a walkway of concrete or other approved material, at least 3 feet in width and designed so as to prevent back drainage into the pool. If drains are provided in such walkways, they shall not be connected to the recirculation system piping.

B. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected. All connections to the city water supply or sewer system shall be approved by the inspection division. (Ord. 6164 §6, 2001; Ord. 5332, 1993).

**16.04.270 Health department approval.** Plans and specifications for public swimming pools shall be submitted to and approved by the health department prior to issuance of a permit under section 16.04.240. (Ord. 5332, 1993).

## VI. DEMOLITION OF STRUCTURES

**16.04.280 Permit required.** No demolition work shall commence without a wrecking permit having been issued therefor by the building inspector. The fee for said permit shall be as indicated in section 16.04.090. (Ord. 5332, 1993).

**16.04.285 Structures listed on the national or state register of historic places.** A. No permit shall be issued for the demolition of any structure listed on the national or state register of historic places until 60 days has elapsed from the date of application for that permit. Notice of such application shall be delivered to the chair or at least one member of the landmarks commission within 5 days of the filing of such application.

B. This section shall not apply where the building inspections division determines that the condition of such a structure is so damaged, dilapidated, or unsafe that it poses an immediate and serious threat to the public safety. In such instances, the time limits prescribed by s. 66.05(9) of the Wisconsin Statutes shall apply. (Ord. 5952, 1999).

**16.04.290 Safety provisions.** A. Adequate temporary guards, barricades and fences shall be erected where necessary for the protection of the public and adjoining property during building razing operations. A temporary construction fence shall be erected to completely enclose the demolition site whenever the area is left without supervision and until the building is completely removed and any basement area or excavation is filled to existing grade level. Such temporary fence shall be a snow fence or similar design at least 4 feet in height and securely anchored in place. The fence shall be constructed with its base flush to the ground and shall have supportive posts placed no more than 8 feet apart.

B. If the razing operation requires use of a portion of the public right-of-way adjoining the site, a permit must be secured prior to commencement of work from the city engineer's office. All conditions of such permit must be adhered to. The permittee is responsible to sign and barricade the work site according to the latest "Manual of Uniform and Traffic Control Devices for Streets and Highways." All barricades shall display the name of the contractor or utility company and the telephone number of the responsible person to call in case of problems. If city crews are called out to maintain barricades, flashers, or warning lights, the permittee will be billed for the service.

If the razing operation requires closing the street, the public works department must be notified twenty-four (24) hours prior to the closing. Detour routes are to be approved before permission is granted. All barricades and detour signs shall be furnished and maintained by the Permittee. If the city is required to provide this service, the cost will be billed to the permittee.

C. Debris from the demolition site shall not be allowed to fall or accumulate in the roadway, but shall be retained within the operating area. No person shall leave litter, building debris, excavations or ground piles on property on which a building has been razed. If work is not being done in a

satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Building Inspection Division shall, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, cause such work to be done, and the cost thereof shall be borne by the property or the property owner.

D. The permittee shall take all appropriate measures to ensure the health and safety of the general public. This shall include professional extermination of any rodents before razing structures and proper removal and disposal of hazardous material such as asbestos, buried petroleum tanks, and other stored material. Any known hazardous material must be removed and disposed of in accordance with all applicable laws. The City-County Health Department shall give all reasonable assistance to the building inspector in determining the presence of hazardous materials or rodent infestation.

E. If the razing operation causes excessive dust due to the building material being disturbed, the building shall be sufficiently dampened at intervals necessary to prevent as much as possible, airborne debris and dust. (Ord. 6164 §7, 2001; Ord. 5332, 1993).

**16.04.300 General requirements.** A. Prior to demolition, the owner or contractor shall notify all utilities having service connections to the structure. Demolition operations shall not commence until all service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. The city water utility division shall be contacted to shut off the water at the curb box and remove the water meter. It will be the property owner's responsibility to have the water and sewer disconnected and properly terminated by a licensed plumber. The city engineer shall determine where the water and sewer laterals shall be terminated.

B. Prior to demolition, the property owner or permittee shall notify the owners of adjoining lots which may be affected by such razing operation and may have facilities which must be temporarily removed due to the proposed work. A sufficient amount of time shall be given for such removal and protection of property.

C. All parts of the demolished structure shall be removed from the site and disposed of properly. Concrete, stone, brick and masonry may be buried on site if properly broken up and covered with at least two feet of clean earth fill. Concrete basement floors shall be fractured to allow water to pass through. Such fill shall be mixed with any buried material and properly compacted during the fill operation. Four inches of black dirt shall be placed on top of all disturbed areas, leveled, raked smooth and seeded. Black dirt may be eliminated when new improvements to the site are planned to commence immediately after razing operations. Installation of retaining walls, fences or other erosion control methods may be required if such structure removal creates unsafe or hazardous conditions including the likelihood of soil erosion. (Ord. 5332, 1993).

## VII. MOVED STRUCTURES

**16.04.310 Permit required.** No building or structure shall be moved in the city of Eau Claire without a moving permit having been issued therefor by the building inspector. (Ord. 5332, 1993).

**16.04.320 Compliance.** Buildings and structures moved into or within the city shall comply with the standards of the city's Housing Maintenance and Occupancy Code and to those provisions of the building code found necessary to assure adequate safety as determined by the building inspector and shall not be used or occupied in whole or in part until a final inspection has been made and a certificate of occupancy issued by the building inspector. (Ord. 5332, 1993).

**16.04.330 Safety provisions.** A. When a building is moved off from a site in the city, adequate temporary guards, barricades and fences around open basements shall be erected where necessary for the protection of the public and adjoining property. Basement areas and excavations must be filled and the site prepared as set forth in section 16.04.300 C.

B. No person shall leave litter, building debris, excavations or ground piles on property on which a building has been moved. (Ord. 5332, 1993).

## VIII. SPECIAL BUILDING DISTRICT

**16.04.340 Special building district--Scope.** This section establishes a special building district which comprises those areas containing congested business and commercial uses which have buildings located in close proximity to one another and thereby subject to major conflagration. The purpose of establishing the special building district is to minimize the possibility of fire involving a series of buildings or structures by regulating their construction. (Ord. 5332, 1993).

**16.04.350 Special building district boundaries defined.** Following are the legal descriptions of the special building district within the city:

A. Downtown Area – Lots 1 through 8, Block 1; Lots 1 through 10, Block 2; Lots 1 through 10, Block 3; Lots 1 through 10, Block 4; Lots 1 through 10, Block 6; Lots 1 through 10, Block 7; Lots 1 through 10, Block 12; Lots 1 through 10, Block 13; Lots 1 through 10, Block 14; Lots 1 through 10, Block 15; Lots 1 through 10, Block 16; Lots 1 through 10, and vacated alley in Block 17; Lots 1 through 6, and vacated alley in Block 18; Lots 1 through 10, Block 22; Lots 1 through 10, and vacated alley in Block 24; Lots 1 through 4, Block 58; Lots 1 through 10, Block 62; Lots 1, 2, the South 20 feet of Lot 8, and Lots 9 and 10, Block 63; Lots 8 through 10, Block 64, Village of Eau Claire. Lots 1 through 10, Block 1; and Lots 11 through 14, Block 2, Drummond Cameron & Eau Claire Lumber Company's Subdivision and Addition to the City of Eau Claire. Lots 1 through 8, Block 59, Ritzinger and Lenz Subdivision of part of Block 59 of the Village of Eau Claire. Lots 1 through 6, Block 2, Chapman & Thorp's Third Addition to Eau Claire. Lots 1 through 12, Block 8; Lots 1 through 10, Block 9; Lots 1 through 14, and vacated alley in Block 18; Lots 5 through 8, Block 25, of Huysen, Marfield, Galloway and Meredith's Addition to City of Eau Claire. A part of Government Lot 4, Section 20, T 27 N, R 9 W, City of Eau Claire, Eau Claire County, Wisconsin described as follows: Beginning at the southwest corner of Block 58 Original Plat Village of Eau Claire, thence west on north line of Eau Claire Street 45 feet thence north parallel with west line of said block to the Eau Claire River, thence easterly along the river to westerly right-of-way of Barstow Street, thence southerly along Barstow Street to the northeast corner of Block 58, thence westerly to the northwest corner Block 58, thence southerly to point of beginning.

B. Water Street Area- Lots 8 through 28, Block 21; Lots 8 through 28, Block 22; the N1/2 of Lots 9 and 10, and Lots 23 through 32, Block 23; Lots 1 through 11, Block 28, Eau Claire City; Lots 1 through 8 and the E1/2 of Lot 9, Block 29; Lots 1, 2, and 3, Block 30; Lots 8 through 28, Block 31; Lots 3, 4, 5 and Lots 11 through 16 and the W1/2 of Lot 17 and Lots 26 through 30, Block 32, Randall's First Addition; Lots 25, 26, 27 and 28, Block 48, Randall's Second Addition.

C. West Grand Avenue Area - Lots 1 and 2, Block 2; Lots 6 through 11, Block 3, Chapman and Thorp's Second Addition.

D. Bellinger Street Area - Lots 1 through 4 and Lots 11 through 15, Block 7; Lots 2 through 4, Block 9, Whipple and Bellinger's Addition. (Ord. 6951, 2011; Ord. 6484 §5, 2004; Ord. 5659, 1996; Ord. 5332, 1993).

**16.04.360 Restrictions within the special building district.** All buildings and structures and all additions to existing buildings and structures shall comply with the following restrictions.

A. General. All buildings, structures, and additions to all existing buildings and structures erected on or after July 1, 2002 within the boundaries of the special building district shall be of types I, II, III, or IV construction, as defined in chapter 6 of the Wisconsin Enrolled Commercial Building Code (Volume I). Alterations and remodeling of all buildings and structures existing prior to July 1, 2002 within the boundaries of the special building district shall not change the class of construction of such building or structure as it existed on July 1, 2002 and as defined in Chapter COMM 51 of the Wisconsin Administrative Code (Building and Heating, Ventilating and Air Conditioning Code).

B. Additions. Additions onto existing one- or two-story wood-frame buildings will be allowed if constructed of one of the types of construction referred to under subsection A. of this section.

C. Exterior wall alterations. Existing exterior wood-frame walls which front streets, alleys or open courts at least 10 feet wide and on the same lot as the building may be replaced with walls of noncombustible construction.

D. Minor changes. Changes, alterations, or repairs to an existing wood-frame building may be permitted, provided such changes do not increase the fire hazard of the building or endanger the public safety. Whether or not fire hazard or public safety is increased shall be reasonably determined by the building inspector and chief of the fire department.

E. 1. Decorative combustible materials on buildings existing before July 1, 2002. Any combustible materials applied to a required noncombustible exterior surface of "0" hourly rated construction or better shall not exceed the surface area percentage specified below within any 100 lineal feet of the building.

<u>Separation of Building From Property Line or Other Buildings<sup>1</sup></u>	<u>Maximum Surface Area Percentage<sup>2</sup></u>
Less than 10 feet	0
10 to 20 feet	10
20 to 30 feet	20
More than 30 feet	30

<sup>1</sup>The maximum surface area percentage along a street is 30, regardless of the separation.

<sup>2</sup>Fire-retardant treated wood may be applied to all required noncombustible exterior surfaces of "0" hourly rated construction without limit.

2. Decorative combustible materials on the exterior side of exterior walls of buildings or additions constructed on or after July 1, 2002 shall comply with Section 1406 of the Wisconsin Enrolled Commercial Building Code.

F. Damaged structures. Any existing wood-frame building within the special building district which may hereafter be damaged by any cause to the extent where the cost of restoration would amount to more than 50 percent of its fair market value shall not be repaired or rebuilt, but shall be removed completely from the premises. Any future structure shall conform to the provisions of these rules. A landmark or building or structure in a historic district designated under ch. 2.65 may be exempted from this requirement by the plan commission and the landmarks commission upon a determination that such exemption is not contrary to the purposes expressed in s. 16.04.340.

G. Exceptions. The following buildings and structures are excluded from coverage under this section:

1. Temporary one-story wood-frame buildings or mobile home type offices for the use of builders on approved construction projects;
2. Detached accessory buildings not over 120 square feet in size and 10 feet in height if set back 10 feet from all property lines and other buildings on the same lot;
3. Temporary platforms, reviewing stands and other similar miscellaneous structures;
4. Wooden fences not over 8 feet high;
5. Permanent wooden park or river overlook structures if located at least 10' from another building or structure. (Ord. 6484 §6, 2004; Ord. 6164 §8, 2001; Ord. 5332, 1993).

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**Chapter 16.08**

**HOUSING CODE\***

**Sections:**

- 16.08.010 Interpretation.**
- 16.08.020 Declaration of necessity.**
- 16.08.030 Purpose.**
- 16.08.040 Short title.**
- 16.08.050 Applicability.**
- 16.08.060 Definitions.**
- 16.08.070 Dwelling unit minimum requirements.**
- 16.08.075 Retaliatory eviction prohibited.**
- 16.08.080 Light, ventilation and heating minimum standards.**
- 16.08.090 Safety and sanitary facilities maintenance.**
- 16.08.100 Minimum floor space--Lot use requirements.**
- 16.08.110 Responsibilities of owners and occupants.**
- 16.08.120 Roominghouse, dormitory rooms and rooming units.**
- 16.08.125 Efficiency apartments.**
- 16.08.130 Health officer--Inspections--Duties.**
- 16.08.140 Housing advisory board.**
- 16.08.150 Enforcement--Notices, orders and hearings.**
- 16.08.160 Roominghouse license procedure.**
- 16.08.165 Housing appearance.**
- 16.08.170 Unfit dwellings--Condemnation procedure.**
- 16.08.180 Violation--Penalty.**
- 16.08.190 Prevailing regulations.**

**16.08.010 Interpretation.** The general provisions of Sections 16.08.020 through 16.08.050 shall apply in the interpretation and enforcement of the ordinance codified in this chapter. (Ord. 3116 §1(part), 1970; Prior code §1100).

**16.08.020 Declaration of necessity.** It is found that there exists and may in the future exist, within the city, premises, dwellings, dwellings units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health, (including the physical, mental, and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards is required. (Ord. 3116 §1(part), 1970; Prior code §1100.01).

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\* For provisions of general municipality law regarding housing authorities, see WSA 66.40; for provisions of general charter law authorizing cities to act for the health, safety, morals and welfare of their citizens, see WSA 62.11(5).

**16.08.030 Purpose.** It is declared that the purpose of the ordinance codified in this chapter is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is further declared that the purpose of the ordinance codified in this chapter is to insure that the quality of housing is adequate for protection of public health, safety, and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provisions for the administration and enforcement thereof. (Ord. 3116 §1(part), 1970; Prior code §1100.02).

**16.08.040 Short title.** This chapter shall be known and may be cited as the housing maintenance and occupancy code of the city of Eau Claire, Wisconsin. (Ord. 3116 §1(part), 1970; Prior code §1100.03).

**16.08.050 Applicability.** The provisions of this code shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use or occupancy was legal at the time of adoption of this code, provided such structures are not substandard and such continued use is not dangerous to life. The decision of the health officer shall be subject to appeal to the appeal board as herein provided. (Ord. 3116 §1(part), 1970; Prior code §1100.04).

**16.08.060 Definitions.** 1. "Abandoned dwelling" means a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

2. "Accessory structure" means a structure subordinate to the main or principal structure and located on the same lot, the use of which is customarily incidental to the main building.

3. "Approved" means approved by the local or state authority having such administrative authority.

4. "Asbestos" is the term used for a group of naturally occurring minerals that separate into fibers which are mined and milled for commercial use.

5. "Basement" means that portion of a building below the first floor or ground floor with its entire floor below grade.

6. "Bathroom" means an enclosed space containing one or more bathtubs or showers, or both, or which may contain water closets, lavatories, or fixtures serving similar purposes.

7. "Building" means any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

8. "Central heating system" means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

9. "Communal cooking" means meals prepared on a regular basis by a licensed rooming house operator for his/her rooming house tenants.

10. "Court" means an open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

11. "Deterioration" means the condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

12. "Dilapidated" describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

13. "Dormitory" means a room in any dwelling used for sleeping purposes by four or more unrelated persons.

14. "Dwelling" means any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that temporary housing as hereinafter defined shall not be regarded as a dwelling.

15. "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

16. "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

17. "Family" means one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

18. "Flat roof deck" means to have a pitch of not more than 2.5 inches in 12 inches with a minimum area of 14 square feet and a minimum dimension of not less than 3 feet.

19. "Flush water closet" means a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such toilet bowl shall have a smooth, easily cleanable surface.

20. "Friable asbestos" means asbestos-containing material which can be crumbled, pulverized, or reduced to powder by hand pressure. Common types of friable asbestos-containing material include pipe insulation and sprayed or tiled on insulation materials.

21. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

22. "Grade" is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

23. "Guest" means any person who shares a dwelling unit in a non-permanent status for not more than thirty days.

24. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, or dining purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, or communicating corridors, stairways, closets, and storage spaces, as well as workshops and hobby and recreation areas in parts of the structure below ground level or in attics.

25. "Health officer" means the director of the Eau Claire city-county health department or a representative designated by him.

26. "Heated water" means water heated to a temperature of not less than one hundred twenty degrees Fahrenheit.

27. "Heating facility" means any combination of approved building construction, machinery, devices, or equipment so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.

28. "Household" means one or more persons living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities.

29. "Housing advisory board" is the board appointed to act on appeals regarding this code.

30. "Human health hazard" means any substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

31. "Imminent lead hazard" means a lead hazard that, if allowed to continue, will place a person at immediate risk of lead exposure and lead poisoning.



32. "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

33. "Insanitary condition" is a condition constituting a danger or hazard to the health of a person or persons occupying or frequenting a building or premises, or to the general public.

34. "Interim control of lead hazards" means any set of measures designed to temporarily reduce human exposure or likely exposure to a lead hazard, including specialized cleaning, repair, maintenance, painting, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.

35. "Kitchen" means any room containing any or all of the following equipment, or area of a room within three feet of such equipment: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

36. "Lead-based paint" means paint or any other surface coating material containing more than 0.06% lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint or more than 0.7 mg/cm<sup>2</sup> by X-ray fluorescent spectroscopy in the dried film of applied paint.

37. "Lead-contaminated dust" means surface dust in dwellings that contain an area or mass concentration of lead in levels exceeding current federal or state standards or guidelines.

38. "Lead-contaminated soil" means bare soil that contains lead at or above 400µg/g (micrograms per gram) and could be a lead hazard to one or more persons.

39. "Lead hazard" means any substance, surface or object that contains lead and that, due to its condition, location, or nature, may contribute to the lead poisoning or lead exposure of a person.

40. "Lead hazard abatement" means any set of measures designed to permanently eliminate a lead hazard, including all of the following:

a. The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead based paint, the replacement of surfaces or fixtures painted with lead-based paint, and the removal or covering of lead-contaminated soil.

b. All preparation, clean-up, disposal and associated post-abatement clearance testing activities.

41. "Lead hazard reduction" means actions designed to reduce human exposure to lead hazards, including lead hazard abatement and interim control activities involving lead-based paint or lead-contaminated dust or soil or clearance activities that determine whether an environment contains a lead hazard.

42. Meaning of Certain Words. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming units", "premises", "structure" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular. The masculine gender includes the feminine and the feminine the masculine.

43. "Multiple dwelling" means any dwelling containing more than two dwelling units and/or rooming units.

44. "Non-friable asbestos" means two categories of asbestos-containing materials that cannot be crumbled to powder by hand pressure.

a. Category I is pliable (not brittle), breaks by tearing rather than fracturing, and does not release asbestos fibers upon breaking. Common types are resilient floor covering and asphalt roofing products.

b. Category II is any material, excluding category I, containing asbestos that is brittle (not pliable), breaks by fracturing rather than tearing, and does release some asbestos fiber upon breaking. Common types are rigid exterior siding and boards known as transite.

45. "Nonhabitable room" means a room which is not a habitable room.

46. "Occupant" means any person, over one year of age, living, sleeping, cooking or eating in, or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

47. "Operator" means any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.
48. "Ordinary maximum summer conditions" means a temperature of ninety-two degrees Fahrenheit.
49. "Ordinary minimum winter conditions" means a temperature of minus twenty-one degrees Fahrenheit.
50. "Owner" means any person who, alone or jointly or severally with others:
- a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
  - b. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, operator, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.
51. "Permissible occupancy" means the maximum number of persons permitted to reside in a dwelling unit or rooming unit.
52. "Person" means and includes any individual, firm, corporation, association or partnership.
53. "Plumbing" means and includes all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
54. "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
55. "Privacy" means the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.
56. "Public" means an area open to the public.
57. "Recreation room" is a game or recreation room such as is frequently built in a cellar or basement in Eau Claire.
58. "Refuse" means all putrescible and nonputrescible solids (except body wastes) including garbage, trash, ashes and dead animals.
59. "Resident" means a resident of the city.
60. "Room" is a space within an enclosed building, and set aside from other rooms or space by a permanent partition or partitions.
61. "Roominghouse" means any dwelling or that part of any dwelling containing one or more rooming units, and/or one or more dormitory rooms. For the purpose of this code, "roominghouse" includes a dwelling unit occupied by more than four persons who are not legally related. Roominghouse shall not mean a facility regulated and licensed by the state of Wisconsin, including, but not limited to CBRF's, nursing homes, adult foster homes, or group homes.
62. "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.
63. "Space heater" means a self-contained heating appliance of either the circulating type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
64. "Storage" means an item or items or materials intended for use at a subsequent time in another location.
65. "Substandard building" means all buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter and by any other provisions of this code or other ordinances.

66. "Temporary housing" means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty consecutive days.

67. "Trash" means nonputrescible solid wastes (excluding ashes) consisting of either:

a. Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or

b. Noncombustible wastes such as tin cans, glass or crockery.

68. "Unobstructed means of egress" means that the exit is accessible from a common use area such as a hallway, living room, or kitchen, or, if the same is not available, from a bedroom or other area which is accessible to all occupants, that the exit is not in such a location as to become easily obstructed, and that the exit remains readily available for egress and not obstructed at all times.

69. "Vacant dwelling" means a dwelling which is unoccupied for a temporary period of time, less than 12 consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

70. "Ventilation" means the process of supplying and removing air, by natural or mechanical means, to or from any space.

71. "Water closet compartment" means an enclosed space containing one or more water closets and one or more lavatories, and which may also contain urinals and other plumbing fixtures. (Ord. 6362, 2002; Ord. 5766 §2, 1997; Ord. 4667 §1, 1986; Ord. 4622 §1, 1986; Ord. 4409 §1, 1983; Ord. 3653 §1, 1976; Ord. 3158 §IA, 1970; Ord. 3116 §I (part), 1970; Prior code §§1101-1101.53).

**16.08.070 Dwelling unit minimum requirements.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

A. Potable water from an approved source shall be available at all times in residential buildings, at a pressure which is adequate for normal human requirements. All sources of domestic water shall meet state of Wisconsin standards for potability. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination.

B. All potable water supply piping and fittings for each plumbing fixture shall be installed in such a manner that backflow or back siphonage cannot occur. Backflow connections shall not be permitted between the piping system carrying potable water and any piping system or plumbing equipment carrying nonpotable water or water-borne waste. All drinking fountains provided in any building or on any premises shall comply with the requirements of the Eau Claire plumbing code.

C. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the health officer.

D. Every dwelling unit shall contain a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the health officer.

E. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the health officer.

F. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with hot and cold water lines which provide pressure which is adequate for normal human requirements.

G. Every dwelling unit shall be supplied with adequate refuse storage facilities, the type and location of which are approved by the health officer and comply with Section 8.32.160.

H. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the health officer and comply with Section 8.32.160.

I. Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection 16.08.070 F., and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of subsection 16.08.080 E. are not in operation.

J. Exits shall be provided as follows:

1. Every dwelling unit shall have access to 2 or more safe, unobstructed means of egress with minimum headroom of 6 feet 4 inches, leading directly to safe and open space at ground level, or as otherwise provided by Chapters COMM 21, COMM 57, or COMM 66, Wisconsin Administrative Code.

2. Where the second floor is the lowest floor level in a dwelling unit, a flat roof deck or platform will be permitted as a minimum for a secondary exit. The platform shall be provided with at least a 36-inch high, but no more than a 46-inch high guardrail above the platform floor. If the platform is serving more than one dwelling unit, except in a duplex situation, the guardrail shall be at least 42 inches above the platform floor. Existing guardrails on platforms shall be structurally sound, safe and constructed with at least 2 uniformly spaced intermediate rails. Guardrails installed or replaced after April 1, 1992 shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger. The platform, depending on the dwelling unit it serves, shall comply with regulations contained in Chapters COMM 21, COMM 57, or COMM 66, Wisconsin Administrative Code. The floor of the platform or roof edge may not exceed an elevation of 15 feet above the grade below.

K. Handrails and guardrails are required as follows:

1. Stairs with more than 3 risers shall be provided with at least one structurally sound and safe handrail for the full length of the stairs, including on the open side of the stair where at least one intermediate rail at mid height or equivalent shall be provided. Handrails on the open side of the stair installed or replaced after April 1, 1992 shall be constructed to prevent the through-passage of a sphere with a diameter of 6 inches or larger and shall comply with Chapters COMM 21, COMM 57, and COMM 66, Wisconsin Administrative Code.

2. All openings between floors and open sides of landings, platforms, balconies or porches that are more than 24 inches above grade or a floor shall be protected with guardrails.

3. Guardrails shall be safe, structurally sound, extend to a height of at least 42 inches above the floor and, if unenclosed, shall have intermediate rails or balusters as specified in subsection J. above. Protective guardrails within or serving one dwelling unit or duplex shall extend to a height of at least 36 inches above the floor. (Ord. 5766 §3, 1997; Ord. 4667 §2, 1986; Ord. 4409 §2, 1983; Ord. 3532 §§1, 2, 1975; Ord. 3116 §I(part), 1970; Prior code §§1102--1102.09).

**16.08.075 Retaliatory eviction prohibited.** No tenancy upon any premises subject to the provisions of this chapter may be terminated by a landlord for the reason that the tenant whose tenancy is proposed to be terminated has reported an actual and existing violation of this chapter to the proper code enforcement authorities. (Ord. 5766 §4, 1997; Ord. 3532 §3, 1975).

**16.08.080 Light, ventilation and heating minimum standards.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room.

Whenever walls or other portions of structures face a window or any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such rooms the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room, or adequate artificial light shall be provided if window areas do not comply with the above requirements.

B. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The net openable window or exterior door area in every habitable room shall be at least 3.5 percent of the net floor area of the habitable room, except where there is supplied some other device affording adequate ventilation and approved by the health officer.

C. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in subsections A and B, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system in working condition which is approved by the health officer.

D. Every dwelling unit shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition. The following requirements shall be applicable to all dwelling units:

1. Every bathroom, bedroom, water closet compartment, kitchen, dining room, living room, laundry room, furnace room, hall, stairway and exterior entrance shall have at least one approved wall or ceiling light fixture capable of providing no less than 5 foot candles at floor level in the center of the room. A switched outlet may be substituted for a light fixture in bedrooms, living rooms and dining rooms.

2. A minimum number of separate duplex-type receptacle outlets, separated by a reasonable distance, shall be provided as follows:

a. Kitchen and living room--three each room with at least one outlet serving the food preparation area.\*

b. Bedrooms--one duplex outlet per occupant of the bedroom, with a minimum of two outlets per bedroom.\*

c. Every bathroom and water closet compartment shall have one approved ground fault type duplex outlet.

d. Every habitable room not listed in a. and b. shall have at least two separate duplex convenience outlets; or one such duplex convenience outlet and one supplied ceiling or wall light fixture.

e. All duplex outlets that may be used for electric appliances that are not major electric appliances, and are located within 6 feet of sinks, lavatories, showers or bathtubs, shall be an approved ground fault type.\*\*

3. Branch circuits shall be protected by circuit breakers, or by S-type or equivalent safety type, tamper proof fuses not to exceed the amp capacity of the smallest wire in the circuit.

4. No duplex electric convenience outlet shall serve more than two fixtures or appliances.

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\* Ed. Note: Ordinance 4409 provided as follows: "Section 16.08.080 D. 2. a. and b., ...shall become effective on January 1, 1987; provided that rooming houses which are initially licensed as such following the day after publication shall be immediately subject to said provisions; and further provided that said provisions shall become immediately applicable to any rooming house which is presently existing and licensed on the effective date of this ordinance upon the conveyance of such rooming house."

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\*\* The provisions of this subsection shall become effective on January 1, 2000.

E. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least seventy degrees Fahrenheit, at a distance three feet above floor level, under ordinary minimum winter conditions.

F. Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times as determined by the health officer. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system approved by the health officer, which may be turned on when needed, instead of full-time lighting.

G. From approximately May 1st to September 30th doorways and windows shall meet the following:

1. Every doorway used or intended to be used for ventilation and opening directly from a dwelling, dwelling unit, or a rooming unit to outside space shall have supplied properly fitting screens having at least 16-gauge mesh and be provided with a self-closing device.

2. Every window or other device with openings to outdoor space used or intended to be used for ventilation, shall be supplied with properly fitting screens having at least 16-gauge mesh.

H. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement, crawl space, or foundation which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

I. From November 1st to March 31st every window serving a habitable room shall be provided with storm windows, except insulated windows need not be provided with storm windows. Each exterior door other than a solid core or insulated door, shall be supplied with a storm door. All such storm windows and doors shall be maintained in reasonably good repair and shall be reasonably weathertight. (Ord. 5766 §5, 1997; Ord. 4667 §4, 1986; Ord. 4622 §2, 1986; Ord. 4409 §§3, 4, 5, 1983; Ord. 3116 §I(part), 1970; prior code §§1103--1103.08).

**16.08.090 Safety and sanitary facilities maintenance.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, structurally sound, watertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.

B. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof; and shall be kept in sound working condition and good repair.

C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

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

E. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept clean and in sanitary condition.

F. Every supplied facility, piece of equipment or utility which is required under this chapter, including interior doors, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition and in good repair.

G. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the health officer.

H. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

I. Lead hazard inspection and abatement.

1. The health officer may conduct an inspection of a dwelling, dwelling unit, accessory structure, premise, surface, substance or object which the health officer has reason to believe may be a lead hazard or may exceed the allowable lead levels. The health officer may remove samples or objects necessary for laboratory analysis to determine the presence of a lead hazard in the dwelling or premise.

2. If the health officer determines that a lead hazard exists on the premises, the health officer shall do any or all of the following:

a. Cause to be posted in a conspicuous place upon the dwelling or premises a notice of the presence of a lead hazard.

b. Notify the occupant of the dwelling or premises, or that person's representative, that a lead hazard is present on or in the dwelling or premises and may constitute a health hazard.

c. Issue an order to the occupant and/or owner that requires any or all of the following:

(1) Interim control of lead hazards.

(2) Lead hazard reduction.

(3) Lead hazard abatement.

(4) Vacating the dwelling or dwelling unit due to the presence of an imminent lead hazard.

(5) Abatement of a lead hazard by a state of Wisconsin certified lead worker and lead supervisor, when required by state law.

(6) Clearance testing activities to determine if a lead hazard has been eliminated.

J. Owners of rental property who supply a stove or stoves or similar service for cooking food, or a refrigerator or refrigerators for the safe storage of food, or both, shall assure the same are properly installed and in good repair such that they may be maintained for safe and sanitary operation. All food preparation areas, food and utensil storage facilities, and supplied furniture in rental property shall be in reasonably good condition.

K. In every inspection of a dwelling, dwelling unit or rooming unit conducted by the health officer he or she may inspect for the presence of asbestos-containing material and remove samples necessary for laboratory analysis. Where asbestos-containing material is found to be present in such condition or is being handled in a manner that asbestos fibers are or may be released to the adjacent environment creating a human health hazard, the asbestos-containing material shall be removed or repaired.

1. Removal, repair and disposal of friable or non-friable asbestos shall be done in a manner that does not cause a human health hazard.

2. Plans detailing corrective procedures to comply with health department orders regarding asbestos abatement shall be submitted to the health department prior to initiating the corrective measures. These plans shall include information such as, but not limited to, the following:

a. Information regarding the facility where abatement is to be completed.

b. Name of owner(s) of the facility where abatement is to be completed.

c. Dates of the asbestos abatement project.

d. Description of abatement methods to be used.

e. Description of wetting agents, encapsulants and sealants to be used.

f. Description of negative air system to be used.

g. Description of waste handling procedures.

h. Description of final air clearance sampling and testing methods to be used.

3. Air testing with a final clearance level of less than 0.01 fiber per cubic centimeter of air may be required to comply with city-county health department orders regarding friable asbestos abatement projects. Air testing shall be done as follows:

a. By a person qualified to conduct asbestos air testing.

b. At least one sample per containment area shall be obtained.

c. Utilizing aggressive air sampling techniques such as with a leaf blower or fan.

d. Samples shall be analyzed by a qualified laboratory using phase contrast or other EPA-approved method.

L. Removal, repair and disposal of friable asbestos containing material from any rental dwelling, dwelling unit or rooming unit shall be performed by a person properly certified by the state of Wisconsin to conduct asbestos abatement, except where an uncertified person is able to demonstrate to the city-county health department that he or she possesses acceptable knowledge and resources to safely repair or remove friable asbestos, such person may perform repair or removal within a total of twenty-five lineal feet or ten square feet in area.

M. Where asbestos-containing materials are used to insulate pipes and/or boilers, the phrase "caution asbestos" shall be painted or otherwise affixed on the boiler and on at least one of the insulated pipes in letters not less than one inch in height, in contrasting colors with the background material and be easily visible. (Ord. 5766 §6, 1997; Ord. 4622 §3, 1986; Ord. 4409, §§6 and 7, 1983; Ord. 3532 §4, 1975; Ord. 3116 §1(part), 1970; prior code §§1104--1104.08).

**16.08.100 Minimum floor space--Lot use requirements.** No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

C. No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through a bathroom or water closet compartment.

D. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

E. In multiple dwellings and rooming houses, habitable rooms below grade shall be in compliance with Chapters COMM 57 or COMM 66, Wisconsin Administrative Code. In one and two family dwellings no space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless it is in compliance with Chapter COMM 21, Wisconsin Administrative Code, and with the following:

1. Existing foundation walls and floors shall have no evidence of water penetration from the exterior of the structure;

2. No pipes, ducts or other obstructions less than six feet five inches above the floor level shall interfere with the normal use of the room or area. (Ord. 5766 §7, 1997; Ord. 3116 §1(part), 1970; Prior code §§1105--1105.05).

**16.08.110 Responsibilities of owners and occupants.** A. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

C. 1. Every occupant of a dwelling or dwelling unit shall dispose of all his or her refuse in a clean and sanitary manner by placing it in the refuse containers required by subsection 16.08.070 G.

2. It shall be the responsibility of the owner of a dwelling to supply containers for all dwelling units in a dwelling containing more than two dwelling units and for all dwelling units located on premises where more than two dwelling units share the same premises, except as otherwise provided by chapter 8.32. In all other cases it shall be the responsibility of the occupant to furnish such containers, except as otherwise provided by chapter 8.32.



D. Every owner of a dwelling shall assure adequate refuse service and collection for that dwelling consistent with the provisions of this chapter and chapter 8.32 of this code.

E. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, storm windows or storm doors whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except the owner shall be responsible where he or she has agreed to supply such services, or where the dwelling unit is above the first floor, or where the dwelling unit is a licensed rooming house.

F. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

G. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. (Ord. 6133 §3, 2001; Ord. 5766 §8, 1997; Ord. 4803, 1988; Ord. 4409 §8, 1983; Ord. 3116 §I(part), 1970; prior code §§1106--1106.07).

**16.08.120 Rooming house, dormitory rooms and rooming units.** No person shall operate a rooming house, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house, which is not in compliance with the provisions of this chapter. No owner or other person shall occupy or let to another person any rooming unit or dormitory room unless it is clean and sanitary, and complies with all applicable requirements of the city, including the following:

A. No person shall operate a rooming house with more than four unrelated roomers unless he holds a rooming house license issued by the health officer in the name of the property owner for the specific dwelling or dwelling unit. This license shall be displayed in a conspicuous place within the rooming house at all times. No such license shall be transferable. Every person holding such a license shall give notice in writing to the health officer within forty-eight hours after having sold, transferred, given away, or otherwise disposed of ownership or interest in any rooming house. Such notice shall include the name and address of the person succeeding to the ownership of such rooming house.

B. Repealed by ordinance 3532, effective July 23, 1975.

C. At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the health officer and in good working condition, shall be supplied for each seven persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities provided:

1. That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;
2. That all such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;
3. That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
4. That every room supplied with a flush water closet shall contain a lavatory basin in good working condition and such room shall afford privacy to a person within said room.

D. The following provisions shall apply in all rooming houses:

1. Communal cooking and dining facilities in a rooming house not accommodating transients are prohibited unless some person or persons are responsible for the food service facilities and that the facilities are reasonably in accord with the major provisions of Chapter HSS 196, Wisconsin Administrative Code, on restaurants and that such facilities are approved by the health officer in writing.

2. Access doors to a rooming unit shall have approved operating locks to insure privacy.

E. Whenever bed linen and towels are furnished by the operator as part of the rental agreement with a room occupant the operator shall change the bed linen and towels at least once a week, and prior to the letting of the room to the occupant, and the operator shall be responsible for the maintenance of all such bedding and towels in a clean and sanitary manner. The occupant or occupants of a room in a rooming house shall be responsible for maintaining the room in a clean and sanitary manner unless it is stated in the lease that the operator is responsible.

F. The owner of every rooming house shall be responsible for the sanitary maintenance of the entire rooming house premises and for providing adequate and approved garbage storage containers as well as adequate removal of garbage and refuse from the premises. Occupants shall be responsible for proper utilization of provided garbage storage facilities and for the proper storage and disposal of their discarded furniture or appliances.

G. Every room in a rooming house used for living or sleeping purposes shall comply with all the requirements of this chapter pertaining to a habitable room.

H. Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty square feet of floor space for each occupant thereof; every such room shall also contain at least 5 square feet of floor-to-ceiling height closet space per occupant thereof; or if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy except that in a dormitory room said closet or closet space may be provided in another portion of the rooming house. Every newly licensed rooming house with general use cooking facilities shall comply with habitable floor space requirements as provided in section 16.08.100 A of this chapter. No existing licensed rooming house with general use cooking facilities shall be structurally altered whereby the total habitable floor space would be reduced to less than that required in section 16.08.100 A. In this section, "general use cooking facilities" means cooking facilities which are available for the use of all persons rooming on the licensed rooming house premises.

I. Every rooming unit shall have access to 2 or more safe, unobstructed means of egress with minimum head room of 6 feet 4 inches leading directly to safe and open space at ground level, or as otherwise provided by Chapters COMM 57 or COMM 66, Wisconsin Administrative Code. Rooming units which are above the first story but not above the second story will be permitted to use a secondary exit which utilizes a flat roof deck or platform. The platform construction shall comply with Chapters COMM 57 or COMM 66, Wisconsin Administrative Code, depending on the dwelling occupancy. Structurally sound and safe guardrails shall be provided, extending to a height of at least 42 inches above the platform floor and shall be provided with at least 2 uniformly spaced intermediate rails. Guardrails installed or replaced after April 1, 1992 shall be constructed to prevent the passage of an object with a diameter larger than 6 inches. The floor of the platform or roof edge may not exceed an elevation of 15 feet above the grade below.

J. Structurally sound handrails shall be provided on any steps containing four risers or more and on the open sides of all such stairways with a vertical rise of more than 2 feet. All openings between handrails and stairways shall be protected by an intermediate rail at mid height or equivalent. Handrails installed or replaced after April 1, 1992 shall be constructed to have rails or balusters designed to prevent the passage of an object with a diameter larger than 6 inches. Porches, balconies and other elevated platforms located more than two feet higher than the adjacent areas shall have structurally sound and safe protective guardrails forty-two inches high and, if unenclosed, intermediate rails or balusters as specified in subsection I above. Protective guardrails within individual rooming units may be a minimum of 36 inches in height. (Ord. 5766 §9, 1997; Ord. 4667 §3, 1986; Ord. 4426, 1983; Ord. 4409 §§10, 11, 1983; Ord. 3532 §§5--9, 1975; Ord. 3158 §1B, 1970; Ord. 3116 §1(part), 1970; prior code §§1107--1107.10).

**16.08.125 Efficiency Apartments.** Nothing in this code shall prohibit the use of an efficiency living unit meeting the following requirements:

A. Such efficiency living unit shall have for general living purposes, not less than 220 square feet of floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

B. Such efficiency living unit shall be provided with a kitchenette not less than 15 square feet in size and shall be equipped and arranged for complete kitchen use which can be considered as part of total habitable area.

C. Such efficiency living unit shall be provided with a separate bathroom meeting the requirements of this code. (Ord. 4409 §12, 1983).

**16.08.130 Health officer--Inspections--Duties.** A. The health officer is authorized and directed to make inspections pursuant to the plans for inspection authorized by this chapter or in response to a complaint that an alleged violation of the provisions to this chapter or of applicable rules or regulations pursuant thereto has been committed; or when the health officer has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been committed. If violations are found to exist the procedure of enforcement stated in Sections 16.08.150 through 16.08.190 inclusive shall also apply to such violations.

B. The health officer is authorized to enter and inspect all dwellings, dwelling units, rooming houses, rooming units, and dormitory rooms subject to the provisions of this chapter between the hours of eight a.m. and five p.m. (except Sundays and holidays), for the purpose of determining whether there is compliance with its provisions. He shall give the occupant thereof, or if there is none, then the owner thereof not less than twenty-four hours' notice of his intent to inspect the premises and may then make his inspection only if he is given permission to do so. In the absence of such permission, he shall obtain a search warrant before entering the premises.

However, if delay in inspection would pose a serious and imminent threat to human life, health or property, he may enter the premises without such permission or notice and with or without a search warrant as the circumstances may prescribe.

The twenty-four hour notice requirement may be waived by the occupant, or if there is none, the owner.

C. The health officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, and dormitory rooms subject to this chapter for the purpose of determining whether there is compliance with its provisions.

D. The health officer and the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room subject to this chapter may agree to an inspection by appointment at a time other than the hours provided by this chapter.

E. The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room, upon presentation by the health officer of proper identification, shall give the health officer entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room or to the premises surrounding any of these, except as noted in subsection B above.

F. (Deleted by ordinance no. 6580.)

G. If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or a multiple dwelling or rooming house subject to the provisions of Section 16.08.170 refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the health officer may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference. (Ord. 6580 §1, 2005; Ord. 5766 §10, 1997; Ord. 4906 §1, 1989; Ord. 3116 §1(part), 1970; Prior code §§1108--1108.07).

**16.08.140 Housing advisory board.** A housing advisory board shall be appointed by the city manager subject to confirmation by the city council. The board shall consist of five members serving terms of three years. Among those first appointed one shall serve one year, two for two years and two for three years. The appointed board members shall designate one of themselves as chairman. The city manager may appoint for a term of three years an alternate member of the board in addition to the five members, who shall act, with full power, only when a member of the board is unable to vote because of interest or when a member is absent. The health officer or a representative designated by him shall serve as secretary to the board. A quorum shall consist of three members present in person at any duly convened meeting. In all cases not less than three members must vote for a proposal for it to carry. All meetings, transactions and records of action of the housing advisory board shall be open to the public. The board shall adopt its rules and regulations for the transaction of business. Meetings shall be held at the call of the chairman and at such times as the board may determine. In addition to the powers otherwise granted in this chapter, the board shall have the power of interpretation where ambiguity or doubt may exist in any application of this chapter.

The board, in exercising the power and authority granted by this chapter, shall act on specific appeals and applications only. In exercising its power of interpretation, the board may act upon application, upon written request from the city council, from the health officer, or upon its own motion. Such action shall not, however, change or have the effect of changing, any rule, regulation, provision or restriction of this chapter, but shall affect only its application to specific cases before the board. (Ord. 5766 §11, 1997; Ord. 3116 §1(part), 1970; Prior code §1109).

**16.08.150 Enforcement--Notices, orders and hearings.** A. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

1. Be put in writing;
2. Include a statement of the reasons why it is being issued;
3. Allow a reasonable time for the performance of any act it requires;
4. Be served upon the owner or his agent, or the occupant, as the case may require:

Provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may;

5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

6. Any person who shall fail or neglect to comply with any lawful order of the health officer or his/her designee issued pursuant to the provisions of this chapter for any non-licensed dwelling unit shall be assessed a fee by the health department, as stated in the city of Eau Claire fees and licenses schedule, for each compliance re-inspection performed in excess of two.

7. The health officer or his/her designee shall keep an accurate record account of all unpaid compliance re-inspection fees and report the same to the finance department, who shall annually prepare a statement of these special charges to be assessed to each lot or parcel of land. The charges shall be entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate, as provided in s. 66.0627 of the Wisconsin Statutes.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the housing advisory board. Such person shall file with the health officer a written petition requesting such a hearing setting forth a brief statement of the grounds thereof within ten days of the day the notice was served. Upon receipt of such petition the health officer shall advise the chairman of the housing advisory board, who shall set a time and place for such hearing, which shall be within

ten days, or as soon thereafter as the matter may be heard by the board, and shall give the petitioner written notice thereof. At such a hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

C. After such hearing the housing advisory board may sustain, modify or withdraw the notice, depending upon its finding as to whether the provision of this chapter and the rules and regulations adopted pursuant thereto have been violated. The board shall be guided by a policy of reasonable compliance in order to promote the public health and may at its discretion permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole.

D. The proceedings at such hearing, including the findings and decision of the housing advisory board shall be summarized, reduced to writing and entered as a matter of public record in the office of the city clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the housing advisory board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

E. Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the housing advisory board shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter and the rules and regulations adopted pursuant thereto have been complied with, the health officer shall continue such order in effect, or modify it or revoke it.

F. Subsections A. through D. above shall not apply to the enforcement of the rooming house license requirements of sections 16.08.120 A. and 16.08.160 A. or all of section 16.08.170.

G. A landlord may not be prosecuted for operating an unlicensed rooming house if it is established that the landlord had no knowledge of such improper activity. However, the landlord shall assist enforcement authorities to ensure that any violation is abated within a reasonable period of time. (Ord. 6721, 2006; Ord. 4905, 1980; Ord. 4667 §5, 1986; Ord. 4222, 1981; Ord. 3116 §1(part), 1970; Prior code §§1110--1110.05).

**16.08.160 Rooming house license procedure.**\* A. No person shall operate a rooming house with more than four unrelated roomers unless he or she holds a current operating license issued by the health officer in his or her name for the specific rooming house.

B. Every operating license shall expire on the thirty-first day of December following the date of issuance, unless sooner suspended or revoked.

C. The health officer is authorized, upon application therefor, to issue new operating licenses and renewals thereof, in the names of applicant owners of rooming houses. No such licenses shall be issued if the rooming house in connection with which the license is sought, or the owner's operation thereof, has uncorrected violations of this chapter, this code of ordinances, state and federal laws, or of applicable rules and regulations pursuant thereto.

D. No operating license shall be issued or renewed unless the applicant owner has first made application therefor on an application form provided by the health officer. The health officer shall develop such forms and make them available to the public.

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\* NOTE: Rooming houses require a license. Contact the city-county health department for details.

E. No operating license shall be issued or renewed unless the applicant owner agrees in his application to such inspections as the health officer may require to determine whether the rooming house in connection with which such license is sought, or the owner's operation thereof, is in compliance with the provisions of this chapter, this code of ordinances, state and federal laws, and with applicable rules and regulations pursuant thereto.

F. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of a license fee as stated in the City of Eau Claire Fees and Licenses Schedule. If an inspection is made of any premises which is not licensed under this section at the time of inspection or has not had a valid operating license within the preceding 12 months, the applicant shall pay an inspection fee as stated in the City of Eau Claire Fees and Licenses Schedule in addition to the license fee. A late penalty fee as stated in the City of Eau Claire Fees and Licenses Schedule shall be collected from any applicant submitting payment after the end of the license year.

G. No operating license shall be issued or renewed for a nonresident applicant, unless such applicant designates in writing to the health officer his or her agent for the receipt of service of notice of violation of the provisions of this chapter and for service of process pursuant to this chapter. Said applicant shall immediately notify the health officer of any change in residence or agent.

H. No operating license shall be issued or renewed for a resident applicant, unless such applicant has first designated an agent for the receipt of service of violations of the provisions of this chapter and for service of process pursuant to this chapter, when said applicant is absent from this city for thirty or more days. Such a designation shall be made in writing, and shall accompany each application form. The applicant may designate any person resident in this city his or her agent for this purpose.

I. No license shall be transferable to another rooming house. A license may be transferred to a new owner/operator only by submitting a complete application form and payment of a transfer fee as stated in the City of Eau Claire Fees and Licenses Schedule to the city-county health department. Every person holding an operating license shall give notice in writing to the health officer within forty-eight hours after having transferred or otherwise disposed of the legal control of any licensed rooming house. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such rooming house.

J. Every owner or other person in charge of a licensed rooming house shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or other person in charge to the health officer for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of this chapter as prima facie evidence of the violation or the correction of violation of this chapter or applicable rules and regulations pursuant thereto.

K. Whenever, upon inspection and consideration of the licensed rooming house, the owner's operation thereof, or of the records required to be kept by subsection J, the health officer finds or is informed by other governmental officials that conditions or practices exist which are in violation of the provisions of this chapter, this code of ordinances, state and federal laws, or of any applicable rules and regulations pursuant thereto, he or she shall serve a notice in accordance with subsection 16.08.150 A. This notice shall state that, unless the requirements are complied with by the specified date, the operating license may be suspended.

L. At the end of the time he has allowed for correction of any violation cited, the health officer shall re-inspect the rooming house, and, if he determines that such conditions have not been corrected, he may issue an order suspending the operating license for a definite period of time. Operation of the premises during the suspension period of the operating license shall be on a probationary basis.

M. Any person, whose operating license has been suspended, shall be entitled, if he requests it, to a hearing before the housing advisory board as provided in subsections B, C and D of Section 16.08.150. If no request for a hearing reaches the health officer within ten days following the order of suspension, or if no remedial action is affected by the end of the suspension period, the license shall be revoked.

N. If, upon reinspection, the health officer finds that the roominghouse in connection with which the notice was issued is now in compliance with this chapter and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the suspension period, unless the health officer grants such request. (Ord. 6580 §2, 2005; Ord. 6363 §36, 2002; Ord. 5766 §12, 1997; Ord. 5359 §1, 1993; Ord. 4986, 1989; Ord. 4771, 1987; Ord. 4622 §4, 1986; Ord. 4598, 1985; Ord. 4362, 1983; Ord. 3951 §16, 1979; Ord. 3532 §§10, 11, 1975; Ord. 3382 §1, 1973; Ord. 3158 §I B, 1979; Ord. 3116 §I(part), 1970; Prior code §1111--1111.14).

**16.08.165 Housing appearance.** A. Minimum Standards. No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following sections.

B. Foundations, Exterior Walls, and Roofs. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit, which does not comply with the following requirements:

1. Every exterior wall, eave, soffit, trim and similar surface shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
2. Structures that require paint or stain, or that have been painted or stained, should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained.
3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured, hung properly, and in good repair.
5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

C. Grading and Drainage of Lots. Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.

D. Accessory Structures. All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

- E. Abandoned Dwellings. The owner of any abandoned dwelling or his or her authorized agent shall:
1. Cause all services and utilities to be disconnected from or discontinued to said dwelling;
  2. Lock all exterior doors and windows of said dwelling;
  3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with section 16.08.165 B of this chapter; and
  4. Maintain the yard and accessory structures such that they comply with section 16.08.165 C and D of this chapter.

F. Nuisances. The interior and exterior of vacant and abandoned dwellings and their premises shall be maintained in a nuisance-free condition. (Ord. 5963, 1999; Ord. 5766 §13, 1997; Ord. 4906 §2, 1989; Ord. 4409 §§13, 14, 15 & 16, 1983; Ord. 3653 §2, 1976).

**16.08.170 Unfit dwellings--Condemnation procedure.** The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

1. One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;

2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

3. One which because of its general condition or location is insanitary or otherwise dangerous, to the health or safety of the occupants or of the public.

B. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.

C. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection C.

E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the housing advisory board, under the procedure set forth in Section 16.08.150. (Ord. 3116 §1(part), 1970; Prior code §§1112--1112.05).

**16.08.180 Violation--Penalty.** Any person who violates any provision of this chapter, or any provision of any rules or regulation adopted by the health officer pursuant to authority granted by this chapter, shall, upon conviction thereof, forfeit not less than \$25.00 or more than \$500.00 together with the costs of prosecution, and every day of violation shall constitute a separate offense. On default of payment of such forfeiture, any person so convicted shall be confined in the county jail of Eau Claire County for a term of not less than one day and not more than sixty days. (Ord. 5766 §14, 1997; Ord. 3116 §1(part), 1970; Prior code §1113).

**16.08.190 Prevailing regulations.** In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city existing on the effective date of the ordinance codified herein, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of the ordinance codified herein which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter. (Ord. 3116 §1(part), 1970; Prior code §1114.01).



**Chapter 16.12**

**MOBILE HOME CODE\***

**Sections:**

- 16.12.010 Purpose--Scope.**
- 16.12.020 Definitions.**
- 16.12.030 Community design.**
- 16.12.040 Park license--Application procedure.**
- 16.12.050 Park inspections.**
- 16.12.060 Parks--General requirements.**
- 16.12.070 Water supply and distribution system.**
- 16.12.080 Sewage disposal system.**
- 16.12.090 Solid waste disposal system.**
- 16.12.100 Gas distribution system.**
- 16.12.110 Fuel oil distribution system.**
- 16.12.120 Service buildings--Community facilities.**
- 16.12.130 Responsibilities of management.**
- 16.12.140 Responsibilities of the resident.**
- 16.12.150 Violations--Penalty.**
- 16.12.160 License revocation or suspension.**
- 16.12.170 Exceptions.**

**16.12.010 Purpose--Scope.** A. The purpose of this code is to provide the minimum regulations, provisions and requirements in the city to insure public health, safety and the general welfare by regulating and controlling the location, design, quality and maintenance of mobile homes and mobile home parks.

B. The sections contained in this code shall be binding alike upon every owner of a mobile home, every lessee, and every person in charge or responsible for a mobile home or mobile home park.

C. This code shall apply to all mobile homes and mobile home parks unless stated otherwise. (Ord. 3246 §1(part), 1971; Prior code §15.70).

**16.12.020 Definitions.** Whenever used in this chapter, unless a different meaning appears from the context:

A. "Mobile home" means a structure, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it. In computing square footage, "length" means the distance from the exterior of the front wall, that is, the wall nearest to the exterior of the drawbar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. In this section, "width" means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls enclose living or other interior space, and that distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

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\* For provisions of general municipality law regarding mobile home parks, see WSA 66.058.

A mobile home should not be confused with a travel trailer which is towed by an automobile, can be operated independently of utility connections, is limited in width to eight feet, in length to forty-five feet, and is designed to be used primarily as a temporary vacation dwelling.

B. "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.

C. "Non-dependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year-round facilities.

D. "Mobile home park" means a parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental of lots and provision of facilities and services to tenants with mobile homes.

E. "Mobile home stand" means that part of a parcel of land (mobile home site) in a mobile home park which has been reserved for the placement of one mobile home unit and shall include all attachments and additions to such mobile home.

F. "Common area" means any area or space designed for joint use of tenants occupying the mobile home park.

G. "Accessory structure" means all structures constructed and used apart from the mobile home and shall include awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

H. "License" means a written license or certification issued by the city permitting the construction, alteration and extension of a mobile home park under the provision of the zoning ordinance of the city and regulations issued hereunder.

I. "Licensee" means any person licensed to operate and maintain a mobile home park.

J. "Power supply assembly" means the conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps, and all other fittings, grommets or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home or sectional home.

K. "Sewer connection" means a connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

L. "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home stand.

M. "Water connection" means a connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

N. "Water riser pipe" means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home stand.

O. "Enforcing agency" means the health authority, zoning administrator, building inspector, fire inspector or any other agencies of the city charged by law with the duty to enforce the provisions of this chapter.

P. "Open space distance" means the minimum open space distance away from a mobile home stand at any point. It is measured perpendicular to each stand line at any point. Required distances are defined in sections 18.13.030 and 18.13.060.

Q. "Mobile homesite" means a parcel of land in a mobile home park which has been reserved for the placement of one mobile home stand. (Ord. 5280 §1, 1992; Ord. 3246 §I(part), 1971; Prior code §15.72).

**16.12.030 Community design.** A. The general pattern of development shall fit topography, requirements for circulation, and requirements for provision of community facilities and utilities. Areas for churches, schools, major parks and community facilities should be located appropriately with respect to the population to be served and the street and walkway nets. As appropriate, residential areas should merge into or be insulated from areas devoted to other purposes. They should be insulated from heavy traffic, concentrations of parking, noise, lights, commercial and industrial activities. They should merge with parks and other suitable open areas.

B. The street pattern should serve, not shape, the lots in their small neighborhood groupings. Land devoted to streets should be held to a minimum compatible with performance of street-related functions. Minor streets should discourage use by through traffic, and no single minor street should serve so many homes that local traffic is likely to become a problem. Minor streets should feed at well-spaced intervals and well-designed intersections into collector streets and arteries for fast moving traffic. Neither collector nor arterial streets should have direct entrances from residential lots.

C. Blocks should be oriented generally with the long axis in the direction of principal automotive and pedestrian movement. Blocks should be large enough and wide enough to provide desirable lot depths plus interior walkways, commons, and easements for such utilities as are to be located within the block.

D. The mobile home park should be set in its own environment, rather than merely running into surrounding uses. It is desirable that it be bordered in a manner which insulates it from surrounding uses and sets it apart as a community.

E. These standards shall apply to all mobile home parks. Likewise, it will be necessary to obtain the approval of the plan commission and the city council for the location and design of any mobile home park on the basis of its compliance with these standards. (Ord. 3246 §1(part), 1971; Prior code §15.71).

**16.12.040 Park license--Application procedure.** A. It is unlawful for any person to construct, maintain, operate, alter, or extend any mobile home park within the limits of the city unless he or she holds a valid license issued by the city clerk in the name of such person for the specific construction, alteration or extension proposed.

B. All applications for a license shall be filed with the city clerk, reviewed by the plan commission and shall contain the following:

1. Name and address of applicant;
2. Location and legal description of the mobile home park;
3. Complete plans and specifications prepared by a registered engineer of the proposed park

showing, but not limited to, the following:

- a. The area and dimensions of the tract of land,
- b. The number and location of all mobile home sites, stands, and the location of common areas, setback lines,
- c. The location and width of roadways and walkways,
- d. Plans and specifications of all utilities including sewage collection and disposal, storm water drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone and TV antenna systems, off-street parking,
- e. Landscaping plans for the entire park, including a planting plan for the buffer strip,
- f. Plans, specifications and site plans of all buildings to be located within the park,
- g. Such other plans and specifications and information as may reasonably be required by the enforcing agency.

C. No license shall be issued for a mobile home park established after the effective date of this ordinance (August 14, 1983) unless said development shall contain a minimum of fifteen acres, but not to exceed fifty acres. A mobile home park existing on the effective date of this ordinance (August 14, 1983) may be expanded even if such expansion results in a mobile home park of less than 15 acres in size, provided the expanded portion complies with this chapter and all other applicable provisions of the code of ordinances, and further provided that no such park shall exceed 50 acres in size.

D. Application for new or renewable licenses shall be accompanied by a fee as stated in the City of Eau Claire Fees and Licenses Schedule for each space in the existing or proposed park, together with a surety bond of two thousand dollars for parks with less than 100 mobile home units and three thousand dollars for parks with 100 or more mobile home units as a guarantee of the collection by the licensee of the monthly parking fees of the mobile home occupants and payment of such to the city treasurer. There shall be a fee as stated in the City of Eau Claire Fees and Licenses Schedule for the transfer of a license. Such parks shall comply with Wisconsin Administrative Code HSS 177.

E. Applications for renewal of licenses shall contain any change in the information submitted since the original license was issued, or the latest renewal granted.

F. Licensees of mobile home parks and owners of land on which are parked any mobile homes shall furnish information to the city clerk and city assessor on such homes added to their park, within five days after arrival of such home, on forms prescribed by the Wisconsin Department of Revenue and furnished by the city clerk in accordance with Section 66.058 (3)(c) and (e) of the Wisconsin Statutes. All information required on the form, including the full purchase price including sales tax and furnishings, shall be provided to the fullest extent possible and no person shall omit any of such information. No person shall knowingly falsify any such information.

G. Each mobile home located in the city shall pay a monthly parking fee as determined in accordance with Section 66.058 of the Wisconsin Statutes. Said fees shall be paid to the city treasurer on or before the tenth day of the month following the month for which such fees are due.

H. The monthly parking fees referred to in G above shall not be charged for the parking of any mobile home for a period of one week or less, nor for any space occupied by a mobile home accompanied by an automobile for an accumulating period not to exceed sixty days in any twelve months, if the occupants are tourists or vacationists. The licensee of such park shall keep a record of persons claiming exception pursuant to this section, containing the signature of such claimant and in a form approved by the city comptroller.

I. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the city except unoccupied mobile homes may be parked on the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs or on a lawfully zoned premises for purposes of sales display.

No person shall stop, stand or park a mobile home on any street, alley or highway within the city in violation of Chapters 340 to 348 of the Wisconsin Statutes or the traffic ordinances and regulations of the city.

J. Licenses shall expire each year at the end of the month of June. (Ord. 6363 §36, 2002; Ord. 5280 §2, 1992; Ord. 4849, 1988; Ord. 4564, 1985; Ord. 4515 §18, 1984; Ord. 4392, 1983; Ord. 3677, 1976; Ord. 3246 §I(part), 1971; prior code §15.73).

**16.12.050 Park inspections.** A. No mobile home park license shall be issued until the city clerk has notified the police, health officer, fire department and building inspector, or the authorized agents, of the application and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which the mobile homes are or will be located comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the city clerk the results of their inspections and a statement as to whether the applicant and the premises meet all applicable requirements.

B. No license shall be renewed without a reinspection of the premises.

C. The enforcing agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

D. The enforcing agency shall have the power to inspect the register containing a record of all residents of the mobile home park.

E. It is the duty of every resident of a mobile home park to give the management thereof or his designated agent access to any part of the mobile home stand or common area at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

F. Whenever, upon inspection of any mobile home park, the enforcing agency finds that conditions or practices exist which are in violation of this chapter, the enforcing agency shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are

corrected within a reasonable period of time specified in the notice by the enforcing agency, the license shall be suspended. The enforcing agency shall furnish to the city council the information derived from such investigation. At the end of such period, the enforcing agency shall reinspect such mobile home parks and, if such conditions or practices have not been corrected, he shall with the approval of the city council cause suspension of the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease administration of such mobile home park. (Ord. 5280 §3, 1992; Ord. 3246 §1(part), 1971; Prior code §15.74).

**16.12.060 Parks--General requirements.** Any individual making application for a license to construct a mobile home park shall meet the following design and system requirements:

A. Site Location: A mobile home park shall be located only upon property designated for that use by the plan commission and the city council.

B. Restrictions upon mobile home parks shall be:

1. No part of any mobile home park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well being of park residents, and for the management and maintenance of the park;

2. No dependent mobile home shall be permitted in the mobile home park unless a suitable building is provided for housing of toilets, showers and laundry facilities;

3. The condition of soil, ground water level drainage and topography shall not create hazards to the property or the health or safety of the occupants. The mobile home or mobile home park shall not be exposed to objectionable smoke, noise, odors, contaminated liquids or solids, or other adverse influences, and no portion of the park subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards;

4. No part of any mobile home park shall be used for the storage or sale of mobile homes.

C. Mobile home stand regulations are as follows:

1. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning;

2. Anchors and tie-downs shall be installed on all mobile homes as per manufacturer's specifications or federal guidelines. The mobile home park owner shall ensure that all mobile homes are anchored and tied down.

D. Streets. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home stand. Such access shall be provided by streets, driveways or other means.

1. Entrances. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred feet from its point of beginning.

2. Internal streets shall have the following specifications:

a. Internal streets shall have dust-proof surface and provide adequate drainage; no street grade shall be more than eight percent.

b. Roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

i. Two-way streets must be at least thirty-two feet wide if parking is permitted on both sides; twenty-four feet wide if parking is permitted only on one side, and eighteen feet wide if parking on the street is prohibited.

ii. A one-way street shall be at least 24 feet wide if parking is permitted on both sides; 18 feet wide if parking is permitted on one side; and 14 feet wide if parking on the street is prohibited.

iii. Dead end streets (cul-de-sacs) shall be limited in length to five hundred feet, and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty feet.

iv. Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.

v. Street Surface. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes.

3. Adequate lighting shall be provided for all streets within the mobile home park so as to protect motorists, pedestrians and the residents of the park.

E. Walkways. All parks shall be provided with safe, convenient, all-season surfaced walkways, durable and convenient to maintain, between individual mobile homes and the adjacent park street and to all community facilities provided for park residents.

1. Common Walk System. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.

2. Individual Walks. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connected to a paved street or roadway. Such individual walks shall have a minimum width of two feet.

F. Accessory Structures. Accessory structures shall not be used as complete, independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied in a mobile home park as directed by the management of the mobile home park, as required by the local enforcing agency, and as specified herein:

1. Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home park.

2. Accessory structures shall not obstruct required openings for light and ventilation of the mobile home, and shall not prevent inspection of mobile home equipment and utility connections.

3. Construction and electrical installations, unless otherwise specified, shall comply with the building and electrical codes for the city.

4. Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.

G. Fire protection precautions shall be as follows:

1. Fires shall be made only in barbecue pits, fireplaces, stoves or other equipment intended for such purposes. Incinerators shall be prohibited.

2. Portable fire extinguishers rated for ABC type fires shall be kept in service buildings and shall be maintained in good operating condition. Their rating shall not be less than 2A10BC.

3. Fire hydrants shall be located within three hundred feet of any mobile home, service building or other structure in the park.

H. Public Utility System. All utility service systems shall be installed and maintained in accordance with applicable state or local codes and regulations governing such systems.

1. Mobile home service outlets shall be provided at each mobile home stand for electricity, telephone and gas, unless other fuels are being used.

2. All utility service lines shall be located underground within the mobile home park except in existing parks these utility service lines may be above ground. (Ord. 5280 §4, 1992; Ord. 3246 §1(part), 1971; Prior code §15.75).

**16.12.070 Water supply and distribution system.** An adequate supply of pure water supplied through a pipe distribution system connected with a public water main shall be provided, except as noted below:

A. A separate valved service shall be provided to each site, so constructed that it will not be damaged by the parking of a vehicle.

B. The water distribution system shall consist of piping capable of supplying eleven gallons per minute at a minimum pressure of twenty pounds per square inch at each mobile home stand. Also, the system shall be capable of supplying the following water demand for mobile homes:

<u>Number of Mobile Home Spaces</u>	<u>Demand Load (gpm)</u>
50	165
75	225
100	267
150	348
200	432
250	468
300	561

C. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements, and shall be of a type and in locations approved by the health authority.

D. Individual water riser pipes shall be located within the surface area of the mobile home stand approximately thirty feet from the front of a mobile home stand. They shall extend at least six inches above ground elevation and the pipe diameter shall be at least three-quarter inch. The water outlet shall be capped when a mobile home does not occupy the stand.

E. A shutoff valve below the frost line shall be provided near the water riser pipe and shall conform to Section ILHR 82.51 of the Wisconsin Administrative Code. (Ord. 5280 §5, 1992; Ord. 3246 §I(part), 1971; Prior code §15.76).

**16.12.080 Sewage disposal system.** A. An adequate sewer system shall be constructed and maintained according to standards set by the Department of Industry, Labor and Human Relations (Chapter 82, Wisconsin Administrative Code).

B. All sewer lines shall be adequately vented, have watertight joints, and be so constructed that they can be closed when not connected to a mobile home.

C. Each mobile home stand shall be provided with a four inch diameter sewer riser pipe. The sewer riser pipe shall be located within the surface area of the mobile home stand, and approximately forty feet from the front of such stand. The rim of the riser pipe shall extend at least four inches above ground elevation, and provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the stand. (Ord. 5280 §6, 1992; Ord. 3246 §I(part), 1971; Prior code §15.77).

**16.12.090 Solid waste disposal system.** A. Solid waste collection stands shall be provided for all waste containers. Such shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

B. Garbage and trash collection shall be by means of a public or private system at least two times per week. Where suitable collection service is not available from municipal or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. (Ord. 3246 §I(part), 1971; Prior code §15.78).

**16.12.100 Gas distribution system.** Gas equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes adopted by the state or local enforcing agency.

A. The minimum hourly volume of gas required at each mobile stand outlet or any section of the mobile home park gas piping system shall be calculated as follows:

	<u>Natural</u>	<u>L.P.G.</u>
For the most remote mobile home lot outlet on any branch or main	125 CFH	50 CFH
For the second most remote outlet on any branch or main	100 CFH	40 CFH
For the third most remote outlet on any branch or main	75 CFH	30 CFH

After the third most remote outlet subsequent branch or main line loadings may be computed using a value of fifty cubic feet per hour for natural gas and twenty cubic feet per hour for liquefied petroleum gas.

B. All gas piping shall be installed below ground and shall have a minimum earth cover of eighteen inches. Gas piping shall not be installed under any mobile home. (Ord. 3246 §I(part), 1971; Prior code §15.79).

**16.12.110 Fuel oil distribution system.** Distribution systems shall be installed and maintained in accordance with the applicable codes adopted by the state or local enforcing agency. (Ord. 5280 §7, 1992; Ord. 3246 §I(part), 1971; Prior code §15.80).

**16.12.120 Service buildings--Community facilities.** A. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities such as:

1. Management offices, repair shops and storage areas;
2. Sanitary facilities;
3. Laundry facilities;
4. Indoor recreation areas.

B. All portions of a permanent structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

C. All rooms containing sanitary or laundry facilities shall:

1. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

2. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them.

3. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

D. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

E. Illumination levels shall be maintained as follows:

1. General seeing tasks - 5 foot-candles;
2. Laundry room work area - 40 foot-candles;
3. Toilet room, in front of mirrors - 40 foot-candles.



F. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal. (Ord. 3246 §(part), 1971; Prior code §15.81).

**16.12.130 Responsibilities of management.** A. The park management shall maintain an office in the park. A copy of the park license and of the ordinance codified herein shall be posted therein and the park register shall at all times be kept in the office.

B. It is the duty of the park owner or operator, together with any attendants or persons in charge, to:

1. Keep a register of all guests or occupants, to be open at all times to inspection by local, county, state and federal officers which shall show for all guests or occupants:
  - a. Name and address;
  - b. Number of children of school age;
  - c. State of legal residence;
  - d. Date of entrance and departure;
  - e. License numbers of trailers and other vehicles;
  - f. State issuing such licenses;
  - g. Expected length of stay;
  - h. Place of last location and length of stay;
  - i. Place of employment of each occupant;
  - j. Persons claiming exemption from parking fees;
2. Maintain the park in a clean, orderly and sanitary condition at all times;
3. Report to the local health department any persons or animals infected or suspected of being infected with any communicable diseases;
4. Insure that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violation of this chapter or other violations of law which may come to his attention;
5. All homes shall install and maintain smoke detectors as required by state law;
6. Collect and pay to the city treasurer the monthly parking fees called for in Section 16.12.040 and shall keep a record of the persons paying such fees and the amount paid. (Ord. 5280 §8, 1992; Ord. 4717, 1987; Ord. 3246 §(part), 1971; Prior code §15.82).

**16.12.140 Responsibilities of the resident.** It is the duty of the occupants of mobile homes to:

- A. Maintain their site in a clean, orderly and sanitary condition at all times;
- B. Abide by all applicable state and city regulations and rules established by the park management. (Ord. 3246 §(part), 1971; Prior code §15.83).

**16.12.150 Violations--Penalty.** Any person who violates any provision of this chapter shall, upon conviction, be subject to a forfeiture not exceeding \$500 for each offense. Each day during which any violation continues shall be deemed to constitute a separate offense. (Ord. 5280 §9, 1992; Ord. 3246 §(part), 1971; Prior code §15.84).

**16.12.160 License revocation or suspension.** The city council is authorized to revoke any license or permit issued pursuant to the terms of this chapter in accordance with Section 66.058 of the Wisconsin Statutes. (Ord. 4580, 1985; Ord. 3246 §(part), 1971; Prior code §15.841).

**16.12.170 Exceptions.** Mobile home parks which, at the time of adoption of the ordinance codified herein, existed lawfully with sites which do not comply with the requirements of the ordinance codified herein, may continue to operate; however, expansion or modification of such parks shall be in accord with these regulations. (Ord. 3246 §(part), 1971; Prior code §15.85).

## **Chapter 16.16**

### **ON-PREMISE SIGNS**

#### **Sections:**

- 16.16.005 Scope.**
- 16.16.010 Purpose and intent.**
- 16.16.020 Administration and enforcement.**
- 16.16.030 Definitions.**
- 16.16.040 Permits for signs.**
- 16.16.050 Permits not required.**
- 16.16.060 Maintenance and repair.**
- 16.16.070 Requirements by type of sign.**
- 16.16.080 Provisions for signs by zoning district.**
- 16.16.090 Special district sign regulations.**
- 16.16.100 Special use signing.**
- 16.16.110 Temporary signs.**
- 16.16.120 Signs exempt from sign permits.**
- 16.16.130 Prohibited signs.**
- 16.16.140 Non-conforming signs.**
- 16.16.150 Removal of certain signs.**
- 16.16.160 Appeal authority.**
- 16.16.170 Licensing and insurance requirements.**
- 16.16.180 Signs not regulated by ordinance.**
- 16.16.190 Interpretation.**
- 16.16.200 Conflicting codes and ordinances.**
- 16.16.210 No vested right.**
- 16.16.220 Violations and penalties.**

**16.16.005 Scope.** This code provides the legal frame-work to regulate all on-premise signs in the city except those considered as poster panels. All signs considered as poster panels shall be regulated in accordance with the provisions of Chapter 16.18. (Ord. 4823, 1988).

**16.16.010 Purpose and Intent.** Exterior signing has a clear impact on the character and quality of the city. As a prominent part of the urban environment, signs may attract or repel the viewing public, affect the safety of pedestrian and vehicular traffic, and help set the tone and legibility of the

neighborhood and the city. This code establishes minimum standards to promote life, health, safety, welfare, convenience, and enjoyment of the public by regulating the design, quality of materials, construction, location, electrification and maintenance of all on-premise signs, bulletin boards, and advertising devices visible from public rights-of-way, including such signs and devices not contained within a building and such interior signs as may be regulated herein.

This code is intended to achieve the following:

A. Promote the safety of persons and property by providing that signs neither create hazards due to collapse, fire, decay, or abandonment, nor obstruct fire fighting or police surveillance.

B. Promote safe, efficient and enjoyable vehicular traffic by providing that signs do not create traffic hazards by confusing or distracting motorists, impairing a driver's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs.

C. Encourage efficient sign display to enhance business and industry by the effective identification of businesses and services for customers and other persons.

D. Promote the effective and equitable transfer of information by providing that persons exposed to signs are not overwhelmed by such factors as sign size, height, number, illumination or setback and are able to exercise freedom of choice to observe or ignore said message, according to the observer's purpose.

E. Improve the quality of community life by encouraging signs compatible with the overall street setting and neighborhood character, appropriate and in harmony with the principal activities and structures being served, and legible in the circumstances in which they are seen.

F. Encourage a desirable urban system of signage with a minimum of clutter.

G. Protect the public welfare and enhance the appearance and economic value of the urban landscape by providing that signs do not create a nuisance by brightness, size, height, number or movement for users of public rights-of-way or contiguous properties.

H. Enhance the special character of particular areas or districts within the city by helping the observer understand the unfolding order of the city and to orient within it.

I. Promote the public order and welfare by encouraging the proper maintenance of signs throughout the life of the sign. (Ord. 4823, 1988).

**16.16.020 Administrative and Enforcement.** The administration and enforcement of this Chapter shall be the responsibility of the Director. (Ord. 4823, 1988).

**16.16.030 Definitions.** In this Chapter and Chapter 16.18, the following words shall have the meaning defined below, unless it is apparent from the context that different meanings are intended.

**Abuts.** Used in reference to determining when an exterior building wall abuts a street which is adjacent the premise. A wall facing a street abuts the street if its exterior face is parallel to or 45° or less of being parallel to such street.

**Animated Sign.** A sign which displays a rapid sequence of images by flashing, changing appearance, or changing color in a manner that creates an illusion or appearance of movement, change, or motion of symbols, letters, characters, illustrations, images, video, or messages.

**Animation.** The appearance or illusion of movement, change, or motion by a sequential display of images, motion picture video, or other means; excluding, however, text message transitions and static images, pictures, logos, and icons.

**Architectural Detail.** Any projection, relief, change of material, window or door opening which is on the facade of a building.

**Awning.** A type of hood or covering over doors or windows, and including two categories:

A. Fixed Awnings. Awnings constructed of light metals or plastics mounted on frames which are not adjustable or movable.

B. Adjustable Awnings. Awnings constructed of light metals, plastics, fabric, or equivalent material mounted on frames which are adjustable and movable.

Awning Sign. A sign which is painted, sewn or similarly affixed on an awning.

Barber Pole. Any striped sign or pole commonly designating a barber shop.

Building. A structure having a roof supported by columns or walls.

Building Wall. A wall of a principal building as defined by the building code. Where separate facades of a building are oriented in the same direction or in the direction within 45 degrees of one another, such facades are to be considered as one building wall.

Business Sign. A sign which directs attention to a business, profession, person, activity, commodity, or service located on a premise where the sign is installed and maintained.

Canopy. A permanent roof-like structure extending from part or all of a building face, constructed of some durable material such as metal or wood, and which is supported from the ground.

Canopy Sign. A sign which is attached to or painted on a canopy.

Changing Sign. A changing sign shall include: electronic message center signs, public service informational signs, readerboard signs, and time and temperature signs.

Construction Sign. A temporary sign which warns persons of construction or demolition for a project or which describes the project and indicates the builder, architect, financial institution, or others involved in the project.

Copy. The lettering, representations, emblems, or other figures used to convey a message.

Directional or Instructional Sign. A sign which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

Director. The Director of Community Development or designee.

Directory Sign. A sign which is limited to the listing and identification of four or more businesses within a principal building, shopping center, office park, business park, or industrial park. Such sign may also identify the name of the principal building, shopping center, office park, business park, or industrial park.

Election Campaign Sign. A temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school, or other election.

Electrical Sign. Any sign which contains electric wiring. This shall not include reflectively illuminated signs.

Electronic Message Center Sign. A sign which is designed so that messages, characters, symbols, letters, images, video, or illustrations are displayed and changed through the use of electronics or computers.

Erect. To build, construct, structurally alter, display, relocate, attach, hang, place, suspend, or affix any sign, and shall also include painting of a sign.

Flashing Sign. A sign other than an animated sign which is varied with time in color or brightness.

Ground Sign. A sign supported by one or more uprights, poles, pylons, or braces placed in or upon the ground surface, and not attached to any part of any building. Such sign may also be referred to as a freestanding sign, pole sign, detached sign or pylon sign.

Identification Sign. A sign that identifies the activity, business, building name, owner, or resident of the premise to which the sign relates and/or the street address of said premises and which sets forth no other advertisement.

Illuminated Sign. A sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection. Such signs are divided into three categories.

A. Reflected Lighting. Lighting, which is from a source which reflects light from the surface of the sign to the eyes of the viewer.

B. Internal Lighting. Lighting for which the source of light is located in such manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before it strikes the eye of the viewer.

C. Direct Lighting. Lighting where the source of the light, such as the bulb, is visible to the viewer.

Logo. A registered, copyrighted, or generally recognized symbol or trademark used to identify a business or organization.

Mansard. A permanent sloped structure attached to a wall of a building having an interior angle greater than 45 degrees from the horizontal and which derives part or all of its support from the building wall to which it is attached.

Marquee. A permanent roof-like shelter extending from part or all of a building face, constructed of some durable material such as metal or wood, and which is not supported from the ground.

Marquee Sign. A sign which is attached to or painted on a marquee.

Monument Sign. A ground sign generally having a low profile with no open space between the ground and the sign and having a sign structure constructed of masonry, wood, or materials similar in appearance as approved by the Director.

Motor Fuel Pump Island Canopy. A roof-like shelter which may be either attached or unattached to the principal building and is supported by one or more uprights or poles mounted in or upon the ground which is erected over a fuel pump island where motor fuel is dispensed for retail sale.

Motor Fuel Pump Island Canopy Sign. A sign which is attached to or painted on the side of the canopy of a motor fuel pump island canopy.

Non-conforming Sign. A sign which does not comply with one or more of the provisions of this Chapter, Chapter 16.18 or Title 18.

Off-premise Sign. A sign which directs attention to a business, profession, person, activity, commodity, or service which is conducted, sold, or offered at a location other than the premises on which the sign is located.

On-premise Sign. A sign which directs attention to a business, profession, person, activity, commodity, or service located on a premise where the sign is installed and maintained.

Parcel. An individual piece of land given a separate parcel number by the city assessor. Contiguous pieces of land with separate numbers which are under unified control and are in use by the same business enterprise shall be treated as one parcel.

Portable Sign. A sign mounted on wheels or on a trailer with removable wheels, or other signs which are not permanently affixed to the ground, a building, or other structure and which may be readily moved from place to place but excluding temporary construction signs and sidewalk signs identified in this chapter.

Poster Panel. A sign erected, constructed or maintained for the purpose of displaying changeable advertising or off-premise outdoor advertising by means of posters, or pictorial or reading matter, when such sign is supported by uprights or braces, or attached to a building, except that a poster panel shall not include a changing sign.

Premise. A designated lot, parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law to be used, developed, or built upon under single or joint control.

Principal Building. The main or principal building located upon a premise in which the principal use or uses of the premise is conducted. A shopping center shall be considered as one principal building.

Projecting Sign. A sign other than a wall, canopy, marquee, or awning sign which projects from and is supported by a wall of a building, with the face or faces of such sign oriented on a plane perpendicular with the building wall.

Public Service Information Sign. A sign which provides general public service information such as time, date, temperature, weather, and messages of interest to the general public, information to promote public and civic events.

Reader Board Signs. A sign which is constructed as a wall or ground sign and designed so that individual letters, characters, or illustrations can be changed or rearranged either manually or mechanically.

Real Estate Sign. A temporary on-premise sign pertaining to the sale, lease, or rental of land or buildings.

Roof Line. The top of the building wall or the top of the parapet. For buildings with sloped roofs, roof line shall include that which forms the top line of the building silhouette, excluding any projections such as chimneys.

Roof Sign. A sign erected upon or above any portion of a roof or parapet wall of a building, and which is wholly or partially supported by said building.

Shopping Center. Two or more retail or service businesses which are located within the same building or within buildings that are connected and which tenants share private, off-street customer parking areas.

Sidewalk Sign. A type of temporary sign placed on a premise or in front of a business on the public sidewalk and not attached to the ground or any structure and used to advertise such business or products or services sold therein. Sidewalk signs shall include sandwich board signs, A-frame signs, T-frame signs, three-dimensional signs, and menu boards.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign Area or Copy Area. The entire area within a single continuous perimeter enclosing the extreme limits of the sign. Structural members which are not an integral part of the display or not used as a background for the display shall not be included for the purpose of this definition.

For signs having more than one face, the sign area shall be determined by totaling the square footage of the signs faces which can be seen from any one direction at a time. For signs having two sign faces and where such sign faces are oriented in opposite directions (180°), the side having the largest area shall be used to calculate sign area. For the purpose of calculating sign area for a three dimensional figure or symbol, the area of the silhouette of such figure or symbol which is the largest shall be used.

Sign Face. The copy area portion of a sign.

Sign Height. The distance measured vertically from highest point of the sign. For ground signs this shall include visual appurtenances which may extend above the sign.

Sign Structure. Any structure which supports, has supported, or is capable of supporting a sign.

Street. A public thoroughfare within the public right-of-way which affords principal means of access onto abutting property, but not including thoroughfares within any right- of-way less than 20 feet in width.

Temporary Sign. A banner, pennant, poster, or advertising display intended to be displayed for a limited period of time.

Tenant. For the purposes of this Chapter, a tenant shall be a firm, partnership, corporation, or other business entity which is an occupant of a non-residential building.

Time and Temperature Sign. A type of electronic message sign which provides only time of day and temperature information.

Wall Sign. A sign which is attached directly to or painted upon a building wall, with the exposed face of the sign in a plane approximately parallel to the building wall. A canopy, marquee, window, projecting or awning sign shall not be considered as a wall sign. A sign mounted upon a sloped roof of a commercial building which is an integral part of the design of such roof and building shall be considered a wall sign.

Window Sign. A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises. The term does not include merchandise located in a window.

Vision Triangle. The area formed by measuring from the intersection of two property lines at the intersection of two streets to points 20 feet along said property lines and then connecting these two points with a straight line. (Ord. 6809 §1, 2008; Ord. 6627 §1, 2005; Ord. 5933 §1, 1999; Ord. 5032 §1, 1990; Ord. 4823, 1988).

**16.16.040 Permits For Signs.** Signs may be erected, moved, enlarged, or reconstructed within the city upon issuance of a permit for such sign subject to the provisions herein.

A. Permit Required. Except as otherwise provided in this Chapter, it shall be unlawful for any owner, tenant, or agent of such owner or tenant to erect, construct, enlarge, move, modify, or convert any sign as regulated by this Chapter in the city, or cause the same to be done without first obtaining a sign permit for such sign from the Director as required by this Chapter.

B. Application for Permit. Application for a permit shall be made to the Director upon a form provided by the Director and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city and state including:

1. Name and address of owner of the sign.
2. Name and address of owner and person in possession of the premises where the sign is located or to be located.
3. Clear and legible drawings accurately showing the location of the sign which is the subject of the permit and all other applicable signs on the same premises and all ground signs within 100 feet of the proposed sign if the permit is for a ground sign.
4. Information regarding any applicable items such as: the dimensions, colors, height, copy, construction supports, materials of the sign and method of attachment and character of structural members to which attachment is to be made. Any additional information needed to determine whether a sign complies with all codes may be required.

C. Permit Issuance. It shall be the duty of the Director, upon the filing of an application for permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all the requirements of this code and all other laws and ordinances of the city, the permit shall be issued. The Director shall issue or deny the permit within five working days of when the application has been filed. This time may be extended by the Director if additional actions or information is required. If the work authorized under a permit has not been completed within 180 days after date of issuance, the permit shall become null and void. The validity of a permit may be extended beyond 180 days for extenuating circumstances to be determined by the Director.

D. Permit Fees. All fees shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

E. Inspection. The Director may require that the footings for a ground sign be inspected prior to erecting such sign or supports. As soon as a sign has been erected, the permittee shall notify the Director, who shall inspect such sign and approve the same if it is in compliance with the provisions of this Chapter. The Director may inspect all signs or other structures regulated by this Chapter for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair.

F. Permit Revocable at Any Time. All rights and privileges acquired under the provisions of this Chapter, or any amendments thereto, are revocable at any time by the Director upon proof of a violation of this chapter in accordance with the Municipal Administrative Procedure Act, Wisconsin Statutes, Chapter 68. All such permits shall contain a statement of this limitation. If a permit is revoked or canceled or application is withdrawn, the applicant is not entitled to a refund of all or any part of the fee. (Ord. 6363 §36, 2002; Ord. 6240 §1, 2001; Ord. 5933 §2, 1999; Ord. 4823, 1988).



**16.16.050 Permits Not Required.** Permits shall not be required for:

- A. Change of copy, including the replacement of sign panels in an existing sign cabinet, provided no structural change is made.
- B. Painting, repairing, cleaning or maintaining of an existing sign unless a structural change is made. Maintenance or repainting of signs painted directly on a building shall be subject to s. 16.16.140 A.1.
- C. Signs subject to the provisions of 16.16.120. (Ord. 5184 §1, 1991; Ord. 4823, 1988).

**16.16.060 Maintenance and Repair.** All signs, including their supports, braces, guys and anchors, shall be kept in good repair at all times. Any sign which is not maintained properly shall be subject to the provisions of 16.16.150. (Ord. 4823, 1988).

**16.16.070 Requirements by Type of Sign.** The provisions set forth below shall apply to all applicable signs unless otherwise specified in this Chapter.

A. General Provisions.

1. Wind Pressure. All non-temporary signs shall be designed, constructed, erected, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot. All temporary signs shall be attached to supports so as to withstand horizontal wind pressures of not less than 30 pounds per square foot.

2. Securing Signs. Cables, anchors, guys, fasteners, lag screws, bolts, or other equipment or materials used in securing any non-temporary sign to its mounting shall be made of galvanized metal or of equal corrosion resisting metal or metal treated so as to be equally corrosion resistant. Supports and braces used to secure or support a sign shall be designed as an integral part of the sign design or sign structure, or be screened from public right-of-way whenever possible.

3. Identification. Every sign requiring a permit hereafter erected shall have marked, in a conspicuous place thereon, the name of installer and manufacturer, and the voltage of any electrical apparatus used in connection therewith.

4. Obstructing Access. No sign or sign structure, or any anchor, brace, guide wire or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder, chimney or stand pipe, and no such structure or any part of such structure or anchor brace, guide wire or guide rod shall be erected, put up or maintained so as to cover a required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building for rescue or fire suppression purposes.

5. Signing Plans. Signing for any shopping center, hotel or motel development, multiple tenant office building, business park, or industrial park, shall be in conformance with an overall sign plan approved by the Plan Commission which addresses signing design and requirements for the development. Such plan shall set forth requirements pertaining to size, location, height, and illumination of all exterior signs to assure compatibility between all such signs within the development. Standards contained in this plan shall run with all leases, or sales of property which are a part of the development. Such sign plan shall be a component of a required site plan review for such development. In the case that such development is submitted as a planned development under Title 18, the zoning code, such sign plan shall be made part of the General Development Plan of such development.

6. Signs Adjacent to Residential Districts.

a. Front Yard Setbacks. Any sign or sign structure located on a lot abutting a residentially zoned lot which fronts on the same street as said lot shall be set back so as to meet the front yard requirements of the residentially zoned lot as set forth in Title 18 if such residential setback requirement exceeds that of the zoning district in which such sign is to be located.

b. Side and Rear Yard Setbacks. Except for temporary and exempt signs, no sign surface or area facing the side or rear lot lines of a residentially zoned lot shall be located within 50 feet of such side or rear lot line.

c. Flashing Signs. No flashing signs or directly illuminated signs shall be located within 100 feet of a dwelling located within any residential district.

7. Signs Extending into Public Right-of-Way. Upon application to the Director for an encroachment, awnings, awning signs, marquee signs and wall signs may extend into the public right-of-way in accordance with the provisions of this section. Such structures and signs shall not be subject to the provisions of Chapter 13.24, "Encroachments". The provisions of Wisconsin Statutes, s. 66.045(1) are deemed to be applicable to such structures and signs, provided that such structures and signs shall be subject to all remaining provisions of s. 66.045 except for sections 66.045(3), (6) and (9), and the application process and requirement of a bond under s. 66.045(2). The provisions of Chapter 13.24 shall apply to the construction of any marquee and projecting sign which extends into the public right-of-way, as well as all provisions set forth herein this chapter.

#### B. Illuminated Signs.

1. Electrical Codes. Electric signs shall be considered as electrical fixtures, and the signs as well as the electrical parts thereof shall comply with Chapter 16.24 of the Code of Ordinances, the provisions of which are incorporated herein by reference. All electric signs shall meet the listing requirements of the state of Wisconsin Department of Commerce Chapter 16.11. All electrical equipment, wiring, materials, and wiring methods used in connection with such signs shall comply with the electrical codes. All ballasts used in connection therewith shall have a 90 percent power factor or better. All lights not attached to a sign shall comply with the specifications of the electrical code.

2. Glare. All signs shall be so designed, located, shielded, and directed to prevent the creation of a public nuisance or safety hazard resulting from the casting of glare or direct light from artificial illumination upon the adjacent street and surrounding property.

3. Use of Direct Illumination. Incandescent light bulbs utilized in directly illuminated signs shall not exceed 11 watts, except for bulbs utilized in changing signs in which case such bulbs shall not exceed 33 watts.

4. Exposed Neon Lighting. Neon lighting shall be subject to the following provisions:

a. Installation. Such lighting shall be installed and serviced by firms licensed by the City of Eau Claire pursuant to the provisions of this Chapter and the Electrical Code, Chapter 16.24.

b. Clearance. Neon lighting installed on the exterior of a building or on a sign structure shall be a minimum of 8 feet above grade unless it extends into the public right-of-way, in which case the minimum shall be 10 feet above grade.

c. Wiring. All electrodes shall be covered with insulating caps manufactured for that purpose. Transformers other than window-type transformers which are cord connected having no exposed electrical terminals and with a pull chain shall be installed in vented metal boxes and transformer leads shall be enclosed in conduit from the transformer box to within 12 inches of the neon electrode. All leads other than crossover links up to a maximum of 48 inches shall be enclosed in plastic or metal conduit. No high voltage lead shall be spliced.

d. Decorative Use. Neon lighting used primarily for decorative purposes for a building shall be exempt from the provisions relating to number of permitted signs and allowable copy area.

5. Flashing Signs, Animated Signs and Building Illumination.

a. Flashing signs, animated signs and building illumination shall not be used in such a manner that they will be confused with traffic devices or emergency vehicle services. Such

signs or building illumination shall not employ lights of a color which is used in a traffic signal when they are in the vicinity of a traffic signal. The determination as to whether a traffic hazard has been created shall be made by the Director.

b. Flashing signs, building illumination, or lights, any which of that flash in any manner, shall be allowed only within the Central Business District Sign District.

C. Wall Signs.

1. Compatibility. No wall sign shall interrupt or conceal the architectural details of a building.

2. Projection from Wall. No wall sign shall extend more than 12 inches from the building wall to which it is attached. Lighting fixtures providing reflected illumination for a wall sign may extend into the public right-of-way and have a maximum projection of 36 inches from the building wall to which the sign is attached, but in no case extend closer than 2 feet to the curb. A wall sign and its appurtenances shall be at least 10 feet above grade before extending into the public right-of-way.

3. Sign Height. No wall sign shall extend above the roof line or parapet wall of the building to which it is attached.

4. Signs Attached to Mansards. A sign attached to a mansard shall be considered as a wall sign. Such signs shall either be mounted flat against the mansard or parallel with the building wall which supports the mansard. In no case shall such sign extend above the top of the mansard.

5. Design. A wall sign may consist of either individual letters mounted on a building wall or one sign structure attached to a building wall. Such sign structure may consist of two or more sign panels, modules, or cabinets which have no more than 8 inches between such sign panels, modules, or cabinets, and which appear to be an integral part of the total sign and are compatible in terms of construction design and materials, illumination, color, and lettering style.

6. Sign Area. Sign area for a wall sign shall include the entire area within a single continuous perimeter which encloses the message, including any background materials, designs, or background colors which are used to differentiate or highlight the message from the wall to which it is attached.

D. Ground Signs.

1. Spacing. A ground sign shall be no closer than 100 feet from any other ground sign unless a conditional use permit is granted by the City Plan Commission as provided in Title 18 of the City's Municipal Code. Signs on the opposite side of a street shall not be considered in this measurement.

In granting a conditional use permit, the Plan Commission must find one of the following:

a. the placement of such sign more than 100 feet from another ground sign is not reasonably practicable;

b. complying with the 100 foot requirement would require the placement of such sign in a location that would obstruct or block buildings, or conflict with traffic circulation parking areas, or drives;

c. or that clustering such signs closer than 100 feet would provide for a more unified signage theme within the area.

If the Plan Commission makes a finding that one of the above situations exist, a conditional use may be granted subject to the provisions set forth below:

a. the sign will not adversely affect or inhibit the safe and efficient movement of pedestrians and motorists;

b. the sign will not create or add to sign clutter due to the display of an inordinate number of signs which overwhelms those viewing an area;

c. the sign will be compatible with the street setting and neighborhood character and enhance the appearance of the streetscape;

d. the sign will be compatible with surrounding ground signs in terms of height, location, copy area, type of illumination and will not obstruct the view of any surrounding signs.

In granting such a conditional use permit, the Plan Commission may impose appropriate conditions in keeping with the purpose and intent of this Chapter pertaining to but not limited to the sign's height, location, design, copy area, removal of non-conforming signs on the property and appropriate site improvements.

2. Construction. Ground signs over 10 feet in height or which are electrical signs shall be constructed of non-combustible materials, provided however, that facings, letters, figures, decorations, and structural trim thereof may be made of approved combustible materials. If, at the time of application for a sign permit, it is the opinion of the Director that a sign less than 10 feet in height may create a fire hazard due to its size or location, the Director shall require that such sign be constructed of non-combustible materials.

3. Clearance. If the location or design of a ground sign may result in a conflict with pedestrian or vehicular movement or circulation on the premise, the Director may require a clearance of up to 10 feet from the finished grade level or curb elevation to the lowest part of such sign.

4. Vision Triangle. No ground sign which exceeds 3 feet above the curbs to which it is adjacent shall be erected within the vision triangle unless such sign provides at least 10 feet of clearance from the curb elevations to the lowest part of the sign and the sign structure of such sign is of a design that minimizes any vision restriction within this area. The street grade shall be used where no curb exists to determine sign height.

5. Extending Over Right-of-Way. No ground sign shall extend over any property line into a public right-of-way.

6. Landscaping. All ground signs erected after the effective date of this Chapter shall be located within a landscaped yard or a curbed or similarly delineated landscaped area which extends a minimum of three feet in all directions of the base of the sign, or which is 5 square feet in area, whichever is deemed most appropriate by the Director in order to protect and preserve the health, safety, and welfare of the public.

7. Design. All sign panels, modules, and representations attached to a sign structure shall have an integrated design. Such integrated design shall consider construction design and materials, illumination, color, and message design to assure compatibility of each panel, module, and representation attached to such sign structure.

8. Setback & Height. Ground signs shall comply with the setback and height requirements as set forth in this Chapter. Required setbacks for ground signs shall be measured from property line to either the sign or sign structure, whichever is nearest.

#### E. Canopy and Marquee Signs.

1. Sign Message. Canopy and marquee signs shall only be identification signs except as provided in 16.16.100 F. Illumination shall be subject to the provisions of the zoning district or sign district in which such sign is located.

2. Height. No canopy or marquee, or canopy sign or marquee sign, shall have less than 10 feet of vertical clearance from the lowest point of said canopy, marquee, canopy sign, or marquee sign to the finished grade level. A canopy sign or marquee sign shall not extend above the roof line or parapet wall, and if over the public right-of-way, shall not exceed three feet in height, measuring from the lowest edge of the canopy or marquee to the top edge of the sign, except as provided in s. 16.16.090 A. 7.

3. Projection from Building Wall. A canopy or marquee, or canopy sign or marquee sign shall comply with the setback requirements of Title 18. Where no street setback is required, a marquee or marquee sign may extend into the right-of-way to within one foot of the curb line.

4. Building Permit. No canopy or marquee may be erected without first obtaining a building permit.

5. Special Review for Marquees and Marquee Signs. If deemed appropriate by the Director, a permit shall not be issued for the erection or maintenance of a marquee or marquee sign which would be located within the right-of-way until an application and plan which sets forth in detail the plans and specifications and location of said marquee, or marquee sign has been filed with the Director for such permit. Such application and plan must be prepared by a registered architect or engineer.

When required by the Director, the applicant shall furnish complete proof in the form of engineering calculations, stress diagrams, that the building to which the marquee or marquee sign is to be attached is so built that the addition of the marquee or marquee sign to the building will not stress the materials in the building beyond the limits established in the state building code for these materials.

#### F. Awning Signs.

1. Sign Message. Awning signs shall be only identification signs, may be illuminated by reflected or internal sources of light, and shall not flash.

2. Height and Construction. An awning shall be supported by a metal bracket or metal framework attached firmly to the building. The frames and supports for all such awnings shall be securely mounted to the walls of the building upon which such awning is placed. The lowest rigid portion of any awning shall not be less than 8 feet above the sidewalk if over public right-of-way and the lowest part of the curtain scallop or valance, made of fabric or equivalent material, shall be no less than 7 feet above such sidewalk if over public right-of-way when in use. No awning shall extend above the roofline of the building to which it is attached. A sign attached to an awning shall not exceed 40 percent of the area of such awning or the maximum copy area allowed for an individual sign in the zoning district or sign district it is located; whichever is less. An awning sign shall consist of only letters, emblems, or insignia painted, sewn or similarly affixed upon the awning.

3. Projection from Building Wall. An awning shall comply with the setback requirements of Title 18. Where no street setback is required, an awning may extend 10 feet beyond the property line into the right-of-way but no closer than 1 1/2 feet to the adjoining curb line.

4. Building Permit. No awning may be erected without first obtaining a building permit. Recovering an existing awning shall not require a building permit; however, the Director shall be notified prior to any change in covering to ensure compliance with this Chapter.

#### G. Roof Signs.

1. Construction. All roof signs shall be constructed entirely of noncombustible materials as defined in city and state codes. Uprights, supports and braces which support roof signs shall be of noncorrosive metal. No sign shall be placed upon any roof so that the stresses set up in any portion of the roof and supporting structure are greater than permitted for such material under state material under state building code. No roof sign shall be placed on the roof of any building so as to prevent the free passage from one part of the roof to any other part thereof or interfere with any openings in such roof.

2. Clearance from Roof. If it is the determination of the Director or City Fire Chief that a roof sign may impede accessibility to the roof for fire suppression purposes, such sign shall be constructed so as to leave a clear space of not less than 4 feet between the roof level and the lowest part of the sign and at least 5 feet of clearance between the vertical supports thereof.

3. Projection from Building Wall. No roof sign, attachments, thereof, or sign structure of such sign shall project beyond the exterior building wall or parapet.

4. Illumination. A roof sign may be reflectively illuminated, internally illuminated, or directly illuminated through the utilization of neon lighting. No roof sign or part thereof shall be a flashing sign.

5. Height. The height of any roof sign shall not exceed 12 feet above the roof line of the building.

#### H. Projecting Signs.

1. A projecting sign is permitted only within the special sign districts identified in s. 16.16.090 and shall be an identification sign indicating only the name, type of business, and/or logo of the business.

2. One projecting sign is permitted per business in lieu of a permitted wall sign. Businesses abutting more than one street frontage may erect an additional projecting sign in lieu of a permitted wall sign along each additional frontage. A spacing of at least 15 feet shall be provided between signs.

3. A projecting sign shall have a maximum of 2 sign faces oriented parallel to one another, with each sign face not exceeding 6 square feet in area.

4. Signs may be lighted using reflected illumination, with such light fixtures not extending more than 24 inches from the building wall and designed with shielding that directs the light only onto the sign face and which prevents any glare along the street or sidewalk. Bulb wattage shall not exceed 60 watts.

5. Projecting signs may project into the public right-of-way and have a maximum projection of 3 feet from the building wall, but in no case closer than 2 feet to the curb.

6. A minimum clearance of 8 feet from the bottom of any portion of the sign or structure to the sidewalk shall be provided. The highest point of the sign and its supporting frame shall be no higher than the top of the second-story windowsill of the building. The second floor windowsill of adjacent buildings shall be the maximum height for buildings of 2 or more stories not having second floor windows.

For a single story building, the sign and supports shall not extend above the top cornice line of the building.

7. A sign shall be attached to the building wall in such a fashion that it shall not swing. In addition, guy wires shall not be utilized in its installation, and any brackets, supports, or bracing shall be an integral part of the design of the sign or sign structure. If deemed necessary by the director, an additional plan may be required which sets forth the detail of the wall anchoring specifications for a sign that certifies that the sign and building wall will withstand required wind loads.

8. The sign face shall be made of a solid material such as wood, metal, high-density urethane, sign foam, or similar type material, with the sign structure made of finished metal. The sign shall not be designed in a manner having replaceable sign faces that are inserted or affixed to a sign cabinet.

9. The plan commission may approve a conditional use permit pertaining to the reduction of the spacing between signs, the height of the sign in relation to the second-story windowsill, or exceeding the size provisions only if the applicant can demonstrate that the standard is not adequate due to the unique characteristics of the building, such as the building's scale, design, height, desire to list multiple businesses on one sign, or number of commercial tenants.

10. At the time a sign permit application is submitted, the owner or tenant of the building shall provide proof of property and comprehensive liability insurance in an amount and form approved by the city attorney.

#### I. Changing Signs.

1. Sign Message. Changing signs shall provide only on-premise advertising, time, temperature and date information, or general information pertaining to public and civic events.

2. Construction. Changing signs shall be constructed as either a wall or ground sign. If constructed as a ground sign, it shall be permitted in conjunction with a permitted business or identification sign subject to the provisions for ground signs and the respective zoning district or sign district, but shall not exceed 50 percent of the total sign area of such sign.

#### 3. Electronic Message Center Signs.

a. Electronic message center signs are permitted on parcels zoned C-2, C-2P, C-3, C-3P, CBD, CBDP, I-1, I-1P, I-2, I-2P, and P, as set forth below, and subject to health, safety, and welfare standards applicable to any such sign in any district, and on parcels zoned residential, as set forth in s. 16.16.080 A. 6. c.

i. A text message may scroll or appear to travel horizontally or vertically on the sign face at a constant speed, but no part of the message or display shall flash, blink, or use any other form of animation, nor shall the background for such message use any form of animation.

ii. Static displays on such signs shall be displayed for at least two seconds and the change or transition from one display or message to the next shall occur as quickly as possible.

iii. No such sign shall be illuminated to a degree of brightness that constitutes a nuisance or public safety hazard. Between dusk and dawn, the brightness of such sign shall be set at no more than 50% of the sign's maximum brightness, and the city reserves the right to require that the brightness of the sign be adjusted if it is deemed to be a public nuisance or a distraction to motorists.

b. A conditional use permit shall be required if any of the following circumstances apply. After application pursuant to s. 18.35.020, the plan commission may grant a conditional use in accordance with the provisions contained in chapter 18.35. The commission, as set forth in s. 18.35.030, may attach certain conditions to the conditional use relating to the operation of such signs.

i. If an electronic message center sign is proposed to be located within the Downtown Eau Claire Sign District or Water Street Sign District. The plan commission shall consider whether such sign is compatible and consistent with the architecture, scale, and design of the building, is appropriate for the character of the street setting in which it is to be located, and does not diminish the appearance or integrity of neighboring buildings, signs, or the sign district as a whole.

ii. If more than one electronic message center sign is proposed for a parcel. When considering such conditional use, the plan commission shall consider whether the size or scale of the parcel or building is of such exceptional size that more than one such sign is warranted and will not create or add to sign clutter in the area or conflict with signs in the area. Additionally, the committee may consider the following factors: sign size, height, setback, location on the building relative to its architectural design (for walls signs), proximity of the message center signs, and need for multiple signs as identified by the applicant. Signs using a message center display which shows only time and temperature information, motor fuel pricing, or are classified as informational and directional signs as set forth in s. 16.16.120, are permitted in addition to the number limitations for primary wall or ground signs set forth above.

iii. If any electronic message center sign is located closer than 200 feet to another electronic message center sign or closer than 100 feet to any traffic control signal. The applicant shall satisfy to the plan commission that such sign will not interfere with or confuse motorists, and will not create any traffic safety problem along the street on which it is located.

iv. If any electronic message center sign erected as a wall sign exceeds 50 square feet in size. When reviewing such conditional use, the plan commission shall consider whether such sign is compatible and consistent with the architecture, scale, and design of the building, is appropriate for the character of the street setting in which it is to be located, and does not diminish the appearance or integrity of neighboring buildings and signs.

v. For a temporary commercial attraction as set forth in 16.16.110N. The Plan Commission may grant a conditional use permit for a changing sign attached to a stationary vehicle or trailer which advertises such events. In addition to the provisions of chapter 18.35, the Plan Commission will consider such a factors as size of the sign, setback, orientation in relation to the right-of-way, traffic volumes, compatibility with neighboring properties, hours of operation of the sign, and number of days of the event.

c. An electronic message center sign existing on January 22, 2008 which is not in conformance with these provisions shall be considered a legal, non-nonconforming sign subject to s. 16.16.140. (Ord. 6965, 2011; Ord. 6809 §2, 2008; Ord. 6809 §2, 2008; Ord. 6590 §1, 2005; Ord. 6538 §1, 2004; Ord. 5933 §§3, 4, 5, 1999; Ord. 5674 §1, 1996; Ord. 4823, 1988).

**16.16.080 Provisions for Signs by Zoning District.** Identification signs and business signs shall be permitted as set forth below by zoning district. Additional signs may be allowed as set forth in 16.16.090 through 16.16.120.

A. Signs in the Residential Districts. Within the R-1A, R-1B, R-1R, R-1, R-2, RM, R-3, R-4 and NCD Residential districts identified in Title 18 of the City's Municipal Code, only identification signs shall be allowed.

Such signs shall identify only those uses listed in this subsection and which are actually being conducted on the premise. Such signs shall be either wall or ground signs and, if illuminated, may be illuminated by only reflective or internal sources of light. Any ground sign shall not exceed 6 feet in height and not be located closer than 10 feet to any property line. These provisions shall apply unless otherwise stated herein or in any other section of this Chapter. Such signs shall be allowed as follows:

1. Day Care Centers. One non-illuminated sign not exceeding 3 square feet in area for any day care center.

2. Community Based Residential Facilities. Signs for a community based residential facility (CBRF) shall be as follows:

a. CBRF's licensed for 5 or less residents may install one non-illuminated sign not exceeding 3 square feet in size.

b. CBRF's licensed for 6 or more residents may install one non-illuminated sign not exceeding 9 square feet in size.

3. Fraternities and Sororities. One non-illuminated sign not exceeding 3 square feet in area for a fraternity or sorority house.

4. Multiple Family Residential Projects. One sign per street frontage not exceeding 9 square feet in area for a multiple family building containing more than 5 residential units. For multiple family developments which consist of multiple buildings or more than 15 residential units, one sign per street frontage not exceeding 32 feet in area may be erected.

5. Mobile Home Parks. One sign not exceeding 32 square feet in area for each major entrance to any mobile home park.

6. Other Non-Residential Principal Uses. a. One sign may be erected on a premise which identifies non-residential principal uses which are permitted by right or by conditional use permit within the respective zoning district and which are being conducted on such premise. If a premise abuts more than one street, one sign may be erected along each street frontage, if each sign is designed to be seen primarily from a different street frontage. The copy area of any sign shall not exceed 32 square feet in area; however, for any use approved by conditional use permit, the Plan Commission may require a sign having a smaller copy area as a condition of approval.

b. The Plan Commission may grant a conditional use permit in accordance with the provisions for granting such permits in Title 18 for: additional signs; a sign exceeding 32 square feet in copy area; or a ground sign exceeding 6 feet in height. The Plan Commission may grant such conditional use permit only if the applicant can demonstrate that the standards set forth for number of signs, copy area, or height are not adequate due to unique characteristics of the premise, such as the location and orientation of buildings on the site, large size of the premise, multiple entries to the premise or building, and scale of the building on the site.

c. The plan commission may grant a conditional use permit to allow a light emitting diode (LED) electronic message center sign as part of a permitted ground sign for a non-residential principal use that is allowed in the residential zoning districts by right or by conditional use only if the applicant demonstrates that the following standards are met.

i. The subject property must abut or be directly across a public right-of-way from a property zoned C-2, C-2P, C-3, C-3P, I-1, I-1P, I-2 or I-2P and such sign shall be located along the same street frontage as the abutting or adjacent commercially or industrially zoning property.

ii. The subject property must abut a principal arterial street as identified in the Eau Claire comprehensive plan and such sign shall be located along the principal arterial street frontage that the premise abuts.

iii. Between dusk and dawn, the brightness of the LED electronic message center sign shall be set at not more than 50% of the sign's maximum brightness. The plan commission can stipulate additional dimming of such sign if the sign's brightness or glare causes a disturbance or distraction.

iv. The display or message of the LED electronic message center, which could include words, letters, use of color, symbols, or pictures shall remain fixed and not flash, scroll, travel, or appear to move in any fashion. Such display or message shall not change more frequently than once every two seconds, and change or transition from one display or message to the next shall occur as quickly as possible, with the entire display turned off at once and the following display appearing instantaneously, with no transition such as fading, dissolving, scrolling, or other effects to depict movement, animation, or any special visual effect. When considering such conditional use, the Plan Commission may require a greater length of time for the message to be displayed if the Commission determines that such two second minimum display time may have a negative effect on adjoining or abutting properties, will interfere with or distract traffic, or endanger public health or safety in any fashion.

v. The sign area of the LED electronic message center shall not exceed 50 percent of the total sign area of the ground sign to which it is attached.

vi. Not more than one LED electronic message center sign is allowed per property and messages displayed on such sign are strictly limited to on-premise information and no product advertising.

vii. The LED electronic message center will not interfere with or be distracting to traffic on or off the premise, or endanger public health or safety in any fashion, will not disturb or disrupt surrounding residential areas due to brightness or glare of the lighting mechanism and is in keeping with the size and scale of premise and principal building for which it advertises.



B. Signs in the C-1A District. Within the Office/Professional District identified in Title 18, signs shall be permitted subject to the provisions stated herein; such signs may be illuminated by reflected or internal sources of light and shall only be identification signs.

1. Converted Residences. One wall sign not exceeding 20 square feet in copy area shall be permitted for any principal building which has been converted from a residential use to a non-residential use. A ground sign not over 20 square feet in copy area and 6 feet in height is permitted in lieu of a wall sign if a conditional use permit is granted by the Plan Commission in accordance with the provisions for granting a conditional use permit in Title 18.

2. Other Structures. One wall, awning or ground sign shall be permitted for each principal building where the building has been constructed for business use. Such sign shall not exceed 50 square feet in copy area and the height of a ground sign shall not exceed 15 feet subject to the setback requirements of Title 18. Such ground sign may be placed up to 10 feet within the setback required in Title 18 which is adjacent the street, provided the sign does not exceed 32 square feet in copy area and 6 feet in height, and is no closer than 10 feet to the property line.

3. Multiple Signs. A conditional use may be granted by the City Plan Commission in accordance with the provisions for granting a conditional use permit in Title 18 to permit more than one sign for each principal building in which a business is operated or for greater copy area than allowed herein.

4. Residential Uses. Signs for residential uses located within this zoning district shall conform to the provisions of 16.16.80 A.

C. Signs in the C-1 and C-2 districts. Within the C-1 and C-2 zoning districts identified in Title 18, signs shall be permitted subject to the provisions stated herein and may be illuminated by reflected, internal, or direct sources of light.

1. Wall Signs.

a. Number of Signs. Number of wall signs permitted for a premise shall be as follows:

(1) Single Tenant Buildings. Principal buildings constructed for occupancy for one tenant are

allowed the following number of wall business signs:

- i. Two signs for each street frontage the principal building abuts;
- ii. One additional sign may be erected on a building wall exceeding 150 feet in length which abuts a street;

- iii. One additional sign may be erected on a building wall having a public entrance which does not abut a street.

(2) Multiple Tenant Buildings. Principal buildings constructed for occupancy for two or more tenants are allowed the following number of wall business signs and placement shall be as set forth below or as approved by a signing plan in 16.16.070 A. 5:

- i. Tenants which have a public entrance only by means of a hallway, corridor, or mall thus having no public entrance in an exterior wall providing direct access to such tenant shall be permitted one wall sign for each street frontage which the owned or leased premise abuts. Tenants whose occupancy does not have an exterior building wall abutting a street may be permitted one sign as approved by a signing plan in 16.16.070 A. 5.;

- ii. Tenants having a public entrance in an exterior wall which provides direct access to such tenant shall be permitted one sign for each such public entrance on such wall, plus one wall sign for any exterior wall abutting a street which has no public entrance;

- iii. A tenant having exterior walls exceeding 150 feet in length and which abut a street may erect one additional sign on such wall; sign on such wall;

- iv. A shopping center having more than four tenants may erect one sign at each public entrance which provides access to a hallway, corridor, or mall from which access to the tenants is provided; such signs shall identify only the name of the center or mall.

b. Copy Area. The total copy area of all wall signs on a building wall shall not exceed 2 square feet for each lineal foot of building wall to which the signs are to be attached, and in no case shall any individual sign exceed 150 square feet in area.

c. Signs Erected in Lieu of Wall Signs. A canopy sign, marquee sign, awning sign, or projecting sign may be erected in lieu of a wall sign. The maximum copy area of such signs shall be calculated the same as for a wall sign.

d. Signs Erected in Lieu of Ground Signs. In addition to the wall signs permitted herein, upon approval of a sign plan by the Plan Commission as provided in s. 16.16.070 A. 5., one additional wall sign may be erected in lieu of a ground sign which would be permitted on the premise. This provision shall not be applicable within the Downtown Eau Claire Sign District and Water Street Sign District or where the Plan Commission makes a determination that placement of a ground sign on the premise is not practical due to such factors as: building coverage or location on the parcel, required setback standards, proximity from other ground signs and buildings, vehicle parking and circulation on the premise, and topography of the parcel. The owners or tenants of the premise shall waive the right to erect a permitted ground sign if a wall sign is erected in accordance with this provision.

2. Ground Signs. One ground sign may be erected for each principal building. Principal buildings on lots abutting more than one street may have one ground sign located on each street frontage if such signs are designed to be read from only one frontage.

Ground signs shall not exceed 25 feet in height and 150 square feet in copy area. Except as provided below, such signs shall comply with the setback provisions set forth in title 18.

A monument style sign may be erected up to 10 feet within the setback required in title 18 which is adjacent a street for a building occupied solely by any principal permitted or conditional use identified in the C-1A district under title 18. Such sign shall be in lieu of any ground sign permitted for the street frontage, shall not exceed 32 square feet in copy area or 6 feet in height, and in no case shall be closer than 10 feet to the property line adjacent the street.

3. Residential Signs. Signs for the residential uses located within such zoning districts shall conform to the provisions of 16.16.80 A.

D. Signs in the C-3, I-1, I-2, CBD and CBDP Districts. Within the C-3, I-1, I-2, CBD and CBDP zoning districts identified in Title 18, signs shall be permitted subject to the provisions stated herein and may be illuminated by reflected, internal, or direct sources of light.

1. Wall Signs.

a. Number of Signs. The provisions of 16.16.080 C 1 (a) shall apply.

b. Copy Area. The total copy area of all wall signs on a building wall shall not exceed 2.5 square feet for each lineal foot of building wall to which the signs are to be attached, but in no case shall any individual sign exceed 250 square feet in area.

c. Signs Erected in Lieu of Wall Signs. A canopy sign, marquee sign, awning sign, or projecting sign may be erected in lieu of a wall sign. The maximum copy area of such signs shall be calculated the same as for a wall sign.

d. Signs Erected in Lieu of Ground Signs. The provisions of 16.16.080 C 1 (d) for an additional wall sign in lieu of a permitted ground sign shall apply subject to the copy area provisions set forth herein.

2. Ground Signs. Ground signs shall be set back from all property lines as provided within Title 18 except as set forth herein and shall be subject to the following:

a. Number of Signs. One ground sign may be erected for each principal building. Principal buildings on lots abutting more than one street may have one ground sign located on each street frontage if such signs are designed to be read from only one frontage.

b. Copy Area. A ground sign shall have a maximum copy area of 200 square feet. Ground signs may be allowed up to 400 square feet in copy area if a conditional use permit is approved by the Plan Commission in accordance with Title 18. The conditional use permit shall be approved only if the Plan Commission finds that such sign: will be compatible with surrounding ground signs and the street setting in which it is to be located; will not create or add to sign clutter within the area; will not interfere with or confuse motorists or pedestrians; and is consistent and compatible with the scale of the buildings on the premises. In the review of such conditional use permit application, the Plan Commission shall consider such factors as: proximity of the proposed sign to other ground signs, size of other ground signs in the vicinity, square footage, location, and height of the principal building on the premises, amount of frontage the premises has along the public right-of-way, and setback of the proposed sign from the public right-of-way.

c. Height. The maximum height for a ground sign erected less than 30 feet from the public right-of-way shall be 10 feet above the roof line of the principal building or 40 feet, whichever is less; but in no case shall the maximum height limit be less than 25 feet. Ground signs setback 30 feet or more from the public right-of-way shall not exceed 40 feet in height.

d. Setback allowance. A monument style sign may be erected up to 10 feet within the setback required in Title 18 which is adjacent a street for a building occupied solely by any principal permitted or conditional use identified in the C-1A district under Title 18. Such sign shall be in lieu of any ground sign permitted for the street frontage, shall not exceed 32 square feet in copy area or 6 feet in height, and in no case shall be closer than 10 feet to the property line adjacent the street.

3. Residential Signs. Signs for residential uses located within such districts shall comply with the provisions of Section 16.16.80 A.

E. Signs in the Highway District. Within the Highway District identified in Title 18 of the City's Municipal Code, signs shall be permitted in accordance with the provisions of the underlying zoning district as set forth in this Chapter with the exception of setbacks for which the provisions of the Highway District shall apply. However, a setback allowance for monument style signs shall be permitted as provided in 16.16.080 D.2.d. for such uses listed therein.

F. Signs in the Public and Conservancy Districts. Within the Public and Conservancy Districts identified in Title 18 of the City's Municipal Code, permitted signs shall be only those duly authorized and erected by a public agency for the purpose of information, regulation, warning, or direction.

G. Signs in the Planned Development District. Within the Planned Development District identified in Title 18, signs shall be permitted in accordance with such requirements as made part of the General Development Plan and final implementation for the development. However, in no case shall the sign area and height of any sign within a planned development exceed the maximum sign area and height established in the underlying district for that type of sign. (Ord. 7006 §1, 2012; Ord. 6989 §2, 2011; Ord. 6830, 2008; Ord. 6681, 2006; Ord. 6389, 2003; Ord. 5184 §§2, 3, 1991; Ord. 4823, 1988).

**16.16.090 Special District Sign Regulations.** The City Council may establish sign regulations which differ from the provisions of this Ordinance for a designated area within the City. Such districts shall be of substantial size, and possess certain unique characteristics to warrant sign regulations which differ from one or more of the provisions of this Chapter. A map defining the district and special regulations, which may modify certain defined provisions of this Chapter, will upon approval by the City Council, be made part of this Chapter.

If, and to the extent that, special district regulations are approved by the City Council, such regulations shall be observed by the persons affected in lieu of compliance with the provisions of this Chapter. However, those provisions of this Chapter which are not affected by the special district sign regulations shall continue to apply in the designated district. Nothing in this section or elsewhere in this Chapter shall prevent the establishment of special district sign regulations which are more stringent than those set forth in this Chapter.

A. Central Business District Sign District. In accordance with the above provisions, there is hereby established a special sign district known as the Central Business District Sign District (CBD). The boundaries of the CBD shall be defined on the map titled Central Business District Sign District which is adopted as part of this Chapter. Said maps shall be kept on file in the office of the City Clerk and open to inspection during normal business hours. Except as modified below or otherwise specified, the provisions of this chapter shall apply to the area defined by this special district.

1. Illumination. Signs within the Central Business District Sign District may be illuminated by reflected, internal, or direct source of light. Flashing signs shall be permitted. Animated signs shall be permitted in accordance with the provisions of s. 16.16.070 B. 5. The provisions for internal, direct, flashing, and animated illumination shall not apply to projecting signs allowed under s. 16.16.070 H.

2. Wall Signs. The total allowable copy area of wall signs on a building wall shall not exceed 3 square feet for each lineal foot of building wall to which the signs are to be attached, and in no case shall any individual sign exceed 100 square feet in area, except as provided in s. 16.16.090 A. 7. The number and placement of wall signs for each principal building shall be as provided in 16.16.080 C 1 (a). A canopy sign, marquee sign, awning sign, or projecting sign may be erected in lieu of a wall sign and the allowable copy area and maximum copy area thereof shall be calculated as a wall sign.

3. Ground Signs. One ground sign not exceeding 150 square feet in area and 35 feet in height may be erected for each principal building. Such sign shall be subject to the setback requirements of Title 18. If a ground sign is located within the vision triangle, the provisions of 16.16.070 D (4) shall not apply; however, such sign shall not be erected in such a manner as to obstruct free and clear vision at such street intersection.

4. Roof Signs. One roof sign not to exceed 100 square feet in area may be erected for each principal building in lieu of a ground sign.

5. Time and Temperature. One time and temperature sign may be erected for each principal building as an additional wall sign or projecting sign. Such sign may extend over public property not more than 4 feet provided it has no less than 10 feet of vertical clearance from the lowest point of the structure to the sidewalk grade. Such sign shall include no advertising of any kind except that up to 10 percent of the area of the sign may include the logo of the business occupying such building. The aggregate square footage of such sign and all other signs shall not exceed the allowable sign area provisions stated herein. The above provision shall not restrict the use of a public service informational sign as part of a permitted wall or ground sign.

6. Residential Signs. Signs for residential uses located within this district shall conform to the provisions of 16.16.80 A.

7. Theater Signs. The Plan Commission may grant a conditional use permit in accordance with the provisions of Title 18 to allow a marquee sign or projecting sign for a theater which reflects documented historic elements of signing used for the building prior to 1950. Such marquee sign or projecting sign may exceed the copy area limitations set forth for an individual sign in the Central Business District Sign District and the height provisions for marquee signs set forth in s. 16.16.070 E. 2. In review of such conditional use permit, the applicant must provide the Commission with photographs of the facade of the building which illustrates the historic signs which the applicant proposes to duplicate in some manner. A projecting sign may extend above the roof line of the building to which it is attached and extend in to the public right-of-way no more than 8 feet or within one foot of the curb, whichever is less.

B. Downtown Eau Claire Sign District. In accordance with the provisions of this section, there is hereby established a special sign district known as the Downtown Eau Claire Sign District. The boundaries of the district shall be defined on the map titled Downtown Eau Claire Sign District, which is adopted as part of this chapter and on file in the office of the City Clerk. Except for the allowances listed below, the underlying sign code requirements that are applicable within the boundary of the district shall continue to apply.

1. Projecting signs shall be permitted in the Downtown Eau Claire Sign District in accordance with the provisions set forth in s. 16.16.070 H. Such signs shall be permitted in areas zoned C-3, CBD, and CBDP, as set forth in Title 18.

2. Decorative Building Lighting. Wall mounted sconces or gooseneck style lighting fixtures used primarily for decorative building lighting purposes may extend into the public right-of-way and have a maximum projection of 36 inches from the building wall to which it is attached, but in no case extend closer than 2 feet to the curb. Such lighting shall be designed to prevent any glare visible from the street or prevent any public safety hazard, and shall be at least 10 feet above grade before extending into the public right-of-way.

3. Sidewalk Signs. Sidewalks signs shall be permitted in the Downtown Eau Claire Sign District in accordance with the provisions set forth in s. 16.16.110 P. Such signs shall be permitted in areas zoned C-3, CBD, and CBDP, as set forth in Title 18.

4. Flags. Wall mounted flags, as set forth in s. 16.16.120 F., may extend into the public right-of-way in the Downtown Eau Claire Sign District, but in no case closer than 2 feet to the curb. The flagpole or mast and fabric thereof shall be at least 8 feet above grade before extending into the public right-of-way. Such flags shall be permitted to extend into the public right-of-way only in those areas zoned C-3, CBD, and CBDP, as set forth in Title 18.

C. Water Street Sign District. In accordance with the provisions of this section, there is hereby established a special sign district known as the Water Street Sign District. The boundaries of the district shall be defined on the map titled Water Street Sign District, which is adopted as part of this chapter and on file in the office of the City Clerk. Except for the allowances listed below, the underlying sign code requirements that are applicable within the boundary of the district shall continue to apply.

1. Projecting signs shall be permitted in the Water Street Sign District in accordance with the provisions set forth in s. 16.16.070 H. Such signs shall be permitted in areas zoned C-2, C-2P, CBD, and CBDP, as set forth in Title 18.

2. Decorative Building Lighting. Wall mounted sconces or gooseneck style lighting fixtures used primarily for decorative building lighting purposes may extend into the public right-of-way and have a maximum projection of 36 inches from the building wall to which it is attached, but in no case extend closer than 2 feet to the curb. Such lighting shall be designed to prevent any glare visible from the street or prevent any public safety hazard, and shall be at least 10 feet above grade before extending into the public right-of-way.

3. Sidewalk Signs. Sidewalk signs shall be permitted in the Water Street Sign District in accordance with the provisions set forth in s. 16.16.110 P. Such signs shall be permitted in areas zoned C-2, C-2P, CBD, and CBDP, as set forth in Title 18.

4. Flags. Wall mounted flags, as set forth in s. 16.16.120 F., may extend into the public right-of-way in the Water Street Sign District, but in no case closer than 2 feet to the curb. The flagpole or mast and fabric thereof shall be at least 8 feet above grade before extending into the public right-of-way. Such flags shall be permitted to extend into the public right-of-way only in those areas zoned C-2, C-2P, CBD, and CBDP, as set forth in Title 18. (Ord. 6989 §3, 2011; Ord. 6912, 2010; Ord. 6627 §2, 3, 2005; Ord. 6590 §2, 2005; Ord. 6538 §2, 2004; Ord. 5933 §§6, 7, 1999; Ord. 5032 §§2, 3, 4, 5, 6, 7, 8, 1990; Ord. 4823, 1988).

**16.16.100 Special Use Signing.** The uses listed below have unique characteristics which require the need for additional signing. This additional signing shall be allowed subject to the following requirements, and shall be illuminated as set forth in the zoning district or sign district such sign is located, unless otherwise provided herein.

A. Drive-in or Drive-through Restaurants. For any drive-in or drive-through restaurant one additional ground or wall menu board sign per business shall be permitted. Such sign shall not exceed 32 square feet in area and, if a ground sign, shall not exceed 6 feet and in height. The sign shall comply with all appropriate provisions pertaining to wall or ground signs and the district in which it is to be located.

B. Barber Shops. One wall mounted barber pole shall be permitted for each barber shop. Such device may not exceed 3 feet in length and 1 foot in width. Such device may project over public right-of-way a distance not to exceed 18 inches, provided that it is located at least 7 feet or more above the sidewalk grade.

C. Civic and Charitable Events. Overhead banners or signs made of fabric or canvas or other cloth or plastic materials may be erected temporarily across streets and alleys or parts thereof only upon approval by the City Manager.

It is the purpose and intent to permit only such banners or signs which are in connection with civic and charitable undertakings or conventions of a community-wide interest or in connection with events held at the Eau Claire Civic Center. The type, height, and manner of installation of any such banner or sign shall be reviewed and approved by the Administrator prior to granting of the permit required hereunder so that the general health, safety and welfare is protected.

Such permit shall be issued only upon application in writing filed with the City Clerk at least 10 days prior to the proposed installation, which shall prescribe the terms and conditions thereof. Application for permit shall be accompanied by a public liability insurance policy as specified in Section 16.16.170.

D. Motor Vehicle Dealerships. 1. Upon application, the Plan Commission may consider one additional ground sign for any motor vehicle dealership. When considering the application, the commission shall consider such factors as:

- a. Proximity of the proposed sign to other ground signs.
- b. Square footage, location and height of the principal building(s) on the premises.
- c. Parcel size and amount of frontage along the public right-of-way; and
- d. Setback of the proposed sign from the right-of-way.

2. The commission may grant the application by conditional use permit for the additional sign if the commission finds that the applicant has demonstrated that the additional sign:

- a. Will not create or add to sign clutter in the area.
- b. Is consistent and compatible with the scale of the building(s) on the motor vehicle dealer's premises.
- c. Is warranted due to the size of the parcel occupied by the dealership.
- d. Complies with the regulations in section (3.) herein.

The additional sign permitted shall not exceed 100 square feet in area and shall comply with all provisions pertaining to ground signs and the zoning district or sign district in which it is located.

E. Motor Fuel Pump Island Canopy Signs. For any motor fuel pump island canopy, one sign may be displayed flat against each side of the canopy of such structure. Such signs may not extend above or below such canopy and may only be an identification sign or indicate fuel pricing information, fuel company affiliation, or whether the fuel pump island provides self-service, mini-service, or full-service, but shall not include any other advertising of any kind.

F. Theaters. Theaters, public meeting halls, convention centers, arenas and auditoriums may erect one changing sign not exceeding 60 square feet in area, except as provided in s. 16.16.090 A. 7., as a wall or marquee sign which advertises the program or event being presented or held at such theater, public meeting hall, convention center, arena, or auditorium. Such sign shall be in addition to allowable wall sign area provisions of the respective zoning district or sign district.

G. Development Identification Signs. An identification sign for a residential subdivision, office park, business park, industrial park, or planned development shall be permitted provided the sign:

1. Shall identify only the name and/or any emblem utilized by the development, and may incorporate a directory sign for business establishments within such development.

2. May only be erected at a maximum of two major entrances of the development. "Major entrance" means a public or private street that provides access to more than 10 residential lots or premises or more than 5 non-residential lots or premises.

3. Shall be approved by the Director with appeal to the Plan Commission or in the case of a planned development; shall be made part of the Final Implementation Plan of such development.

4. For residential developments shall be only of a monument style, shall not exceed 32 square feet in copy area and 6 feet in height, shall be illuminated only by reflected white lighting which is located on the ground and concealed by appropriate landscaping, and which does not shine or glare upon any adjacent dwelling or right-of-way. Such sign shall not be closer than 5 feet from any property line, subject to the provisions for vision triangle.

5. For developments other than residential, shall not exceed 15 feet in height, with a sign or copy area not greater than 100 square feet in area and may be illuminated internally or by reflected white lighting which is located on the ground and concealed by appropriate landscaping, and which does not shine or glare upon any adjacent building or right-of-way. Such sign shall comply with the setback provisions of the district it is located in.

H. Historic Painted Wall Signs. Any sign painted directly onto a building wall which is at least fifty years old and advertises a product which is no longer made, a company which is no longer in business, or a service which is no longer rendered, may be repainted for nostalgic purposes in accordance with the provisions set forth for maintenance of painted building signs in 16.16.140 A. 1. Any such sign shall be counted as one of the permitted wall signs allowed for the principal building.

I. Wisconsin Heritage Museum Directional Signing. Directional signs may be erected within the right-of-way of a state trunk highway in accordance with the provisions of the Wisconsin heritage directional sign program for non-profit museums. Such signs shall be approved by the heritage tourism council, Wisconsin department of transportation, and the Eau Claire city council. A maximum of one such sign per direction of vehicle travel shall be permitted along any state trunk highway for each museum. Signing for more than one non-profit museum facility for a particular intersection shall be combined and coordinated onto one sign to avoid excessive signage and the duplication of such signs along the state rights-of-way.

J. Outside Product Displays. Within the C-3 and C-3P zoning districts, the plan commission may grant a conditional use permit for one or more additional signs or permanent banners for a premise to denote the location of a product display that is located outside of the principal building. The only permitted purpose of any such sign is to identify the location of the product display. To grant the conditional use permit, the applicant must prove to the plan commission's satisfaction that the additional sign will not create sign clutter on the premise or abutting premises, the size and scale of the premise and principal building warrants the additional sign, the number of signs requested is the minimum necessary to denote the display area, the sign will not interfere with traffic circulation on or off premise or endanger public health or safety, and applicant's need to erect a sign for an outside product display outweighs the burden on the public. Such signs granted a conditional use permit shall be subject to the following conditions and such other conditions reasonably imposed by the plan commission:

1. The display area where the product is displayed must exceed 20,000 square feet in size;
2. The sign shall be located within the perimeter of the display and subject to all setback provisions of the premise;

3. The sign shall not be illuminated and shall not exceed 24 square feet in size; and

4. The sign shall be secured to prevent it from moving from the wind or other means. If deemed necessary by the director, the applicant must verify that the addition of such sign to an existing structure will comply with wind load requirements of this chapter.

K. Shopping Centers. Upon approval of a sign plan by the Plan Commission as set forth in s. 16.16.070 A. 5., additional wall signs may be erected at each major entrance of a shopping center where such entrance provides access to an interior hallway, or common area for the center's tenants. Such additional signs shall only identify the name of the shopping center or provide a directory of the shopping center tenants and shall not exceed the maximum copy area for wall signs individually or cumulatively as set forth in s. 16.16.080 C. 1. b. and s. 16.16.080 D. 1. b.

(Ord. 7006 §2, 2012; Ord. 6956, 2011; Ord. 6590 §3, 2005; Ord. 5933 §8, 1999; Ord. 5845, 1998; Ord. 5757 §1, 1997; Ord. 4823, 1988).

**16.16.110 Temporary Signs.** The following temporary signs shall be permitted in addition to the signs allowed within other sections of this Chapter according to the provisions and table herein.

**TEMPORARY SIGN REQUIREMENTS**

<b><u>Sign</u></b>	<b><u>Max. Sign Area</u></b>	<b><u>Min. Setback*</u></b>	<b><u>Max. Height</u></b>	<b><u>Illuminated</u></b>	<b><u>No. of Signs</u></b>	<b><u>Sign Permit Required</u></b>
Construction Residential zones	16 sq. ft. for remodeling 32 sq. ft. for new construction	10 feet	6 feet	non-illuminated	1	No
Other zones	1 sq. ft. for each 2 ft. of frontage up to a max. of 128 sq. ft. per sign	10 feet	15 feet	non-illuminated reflected	1 per street frontage	No
Real Estate Residential uses	12 sq. ft. per sign	0	6 feet	non-illuminated	1 per street frontage	No
Other uses	32 sq. ft. per sign	10 ft. unless a wall or window sign	15 feet	non-illuminated reflected	1 per street frontage	No
Open House	6 sq. ft.	0	6 feet	non-illuminated	1 per street frontage	No
Ornamental Holiday Decorations	not applicable	0	no limit	non-illuminated reflected internal direct	no limit	No
Grand Opening Decorations	not applicable	0	as specified for wall or ground signs	non-illuminated reflected internal direct	no limit	Yes
Promotional Banner	10% of the area of the wall such banner is attached up to a max. of 100 sq ft.	as specified for wall signs	as specified for wall signs	non-illuminated reflected	1 per principal building	No
Balloon Signs	no limit	height of balloon from ground	no limit; subject to setback requirements	non-illuminated reflected	1	Yes
Special Event	16 sq. ft. per sign	10 feet	6 feet	non-illuminated reflected	1 per street frontage	No



<u>Sign</u>	<u>Max. Sign Area</u>	<u>Min. Setback*</u>	<u>Max. Height</u>	<u>Illuminated</u>	<u>No. of Signs</u>	<u>Sign Permit Required</u>
Thrift Sale	6 sq. ft. per sign	0	6 feet	non-illuminated	2 per street frontage	No
Election Campaign	12 sq. ft. per sign**	0	as specified for wall or ground signs	non-illuminated	no limit	No
Development Real Estate						
10 to 15 lots or development areas	32 sq. ft.	10 feet	10 feet	non-illuminated	1	Yes
16 or more lots or development areas	64 sq. ft.	10 feet	15 feet	non-illuminated	1	Yes
Temp. Window	such signs shall not occupy more than 40% of any one window, inclusive of all permanent window signs	not applicable	not applicable	non-illuminated reflected	no limit	No
Seasonal Sale	32 sq. ft. per sign	as specified for wall or ground signs	as specified for wall or ground signs	non-illuminated reflected internal	1 per street frontage	No
Temp. Commercial Attraction	66 sq. ft. per sign	as specified for wall or ground signs	as specified for wall or ground signs	non-illuminated reflected internal direct	1 per street frontage	No
Outdoor Sales	attached to product	as specified for wall or ground signs	not applicable	non-illuminated	no limit	No
Sidewalk Sign	10 sq. ft.	0	4 feet	non-illuminated	1 per public entrance	Yes

\* No temporary sign shall be located within the vision triangle except as provided in 16.16.090 A.3. and all setbacks required herein shall be from any property line. There shall be no minimum setback for temporary signs within the Central Business District Sign District. No temporary sign may be placed within the public right-of-way, except as set forth for sidewalk signs.

\*\* No copy area restriction shall apply if such sign is affixed to a permanent structure and does not extend beyond the perimeter of the structure.

Such signs shall be subject to all provisions of this Chapter unless otherwise specified herein and any such sign erected as a ground sign shall be exempt from the landscaping and spacing requirements pertaining to such signs. Sign permits shall be required for those temporary signs indicated in the table herein. Such permits shall be issued in accordance with the provisions set forth in 16.16.040.

A. Construction Signs. Such sign may be erected on the premise where construction activity is taking place. Such sign shall not be erected prior to issuance of a building permit or other appropriate permits for the proposed construction. It shall be removed upon completion of said construction.

B. Real Estate Signs. Such sign may be erected pertaining to the sale, lease, or rental of a property upon which such sign is located provided such sign is removed within 10 days after the closing, lease, or rental of such property.

C. Open House Directional Signs. Such signs pertaining to an open house for the sale, lease, or rent of a property upon which it is displayed provided such sign is displayed only on the days such open house occurs.

D. Ornamental Holiday Decorations. Ornamental lighting or decorations for holidays such as Christmas and Halloween.

E. Grand Opening Decorations. Pennants, ribbons, spinners, search lights, balloons, and other similar devices may be displayed for a period not to exceed 16 calendar days only for the purpose of a grand opening of a new business. Balloon signs as described in paragraph G of this section may be displayed for a grand opening subject to the time limit stated herein.

F. Promotional Banners. A banner made of flexible materials, such as cloth, plastic, or vinyl may be displayed by a business at such business location to promote a product, sale, or event. Such banners must be displayed on the wall of a principal building and only one banner may be displayed per building at any one time. The owner and tenants of a building shall limit the use of all promotional banners on their building to a cumulative total of no more than 60 days per calendar year.

G. Balloon Signs. Helium, hot air, mechanically inflated or similar types of balloons may be displayed by a business at such business location to promote a product, sale, or event not more than four times per year with each period not exceeding 3 calendar days. Such signs shall be placed on or affixed to the ground and meet the setback provisions from all overhead utility lines as well as from all property lines.

H. Special Event Signs. A sign or banner advertising special events sponsored by civic, educational, or religious organizations is permitted provided such sign or banner is displayed for a period not to exceed 16 calendar days.

I. Thrift Sale Signs. Signs advertising a thrift sale, rummage sale, garage sale, auction or other similar sale may be displayed provided such signs are not displayed more than three times per year with each period not exceeding 9 consecutive calendar days.

J. Election Campaign Signs. Election campaign signs shall be removed within 10 days following such election to which it relates. The owner of the property upon which said signs are placed shall be responsible, together with the person or entity authorizing and paying for such sign, for the compliance of these provisions. These provisions shall not restrict the use of election campaign advertising on existing poster panels, in which case the provisions of Chapter 16.18 apply.

K. Development Real Estate Signs. A sign advertising the sale of lots or development areas in a subdivision or development which contains ten or more lots or development areas, provided such sign is removed upon the development of 90 percent of the lots or areas within the subdivision or development.

L. Temporary Window Signs. Such signs shall be permitted except in the residential and C-1A zoning districts for each ground floor business establishment. The total area of such signs plus any permanent window signs shall not exceed a maximum of 40 percent of the window area to which such signs are attached.

M. Seasonal Sales Signs. A sign or banner for the sale of seasonal items such as fireworks, lawn and garden nursery stock, vegetable and fruit produce, and Christmas trees.

N. Temporary Commercial Attraction Signs. Signs advertising temporary events or attractions of a commercial nature such as carnivals, circuses, rodeos, flea markets, car shows, and other similar events. Such signs may be displayed not more than seven days prior to such event or attraction and removed at its conclusion.

O. Outdoor Sales. Package labeling on goods and products displayed outside of a building is permitted provided such outdoor display is in compliance with Title 18. In addition, for any approved outdoors sales lot or area for such products as motor vehicles, boats, machinery and other similar products, information may be displayed indicating the sale price of such product and other relevant information pertaining to the product.

P. Sidewalk Signs. Sidewalk signs are permitted only within the special sign districts identified in s. 16.16.090 and are subject to the following:

1. One sign is permitted for each public entrance of a principal building and shall be placed directly adjacent to such public entrance. Such signs may be placed on either the public sidewalk or on private property and shall advertise only information pertaining to the business that is displaying the sign.

2. Signs shall not exceed 10 square feet in size per side, and not more than 4 feet in height and 30 inches in width. The sign or parts thereof shall not be designed to move by any means, and windblown devices, including balloons and streamers, may not be attached or otherwise be made part of the sign.

3. Placement of such signs on a public sidewalk shall not interfere with or obstruct pedestrian and vehicular movement or obstruct designated ingress, egress, or fire exits from or to the building and, at a minimum, must provide at least 5 feet of contiguous clear or unobstructed pedestrian passage along the public sidewalk between the building and edge of the curb. For the purpose of this minimum clearance, parking meters, traffic signs, landscape planters, trees, hydrants, and all similar objects shall be considered obstructions.

4. Such signs shall not be placed closer than 2 feet to the curb and shall not block any handicapped ramp, driveway, alley, or crosswalk or be placed within any landscaped area. On corner lots such signs shall not be placed within an area bounded by the curbs along the intersecting streets and a line tangent to the intersection of the property lines abutting the street corner and extending to the curbs, with a tangent angle of 45 degrees with such property lines.

5. If placed on private property, such signs shall not be placed within a driveway or required parking space or interfere with pedestrian or vehicular circulation on the premise.

6. Signs shall not be anchored to the sidewalk or building in any fashion or attached or chained to poles, trees, hydrants, parking meters, newspaper vending boxes, or other structures or appurtenances.

7. Signs shall only be displayed during times that the business it is advertising is open and must be removed when the business is closed.

8. Signs shall not be lighted or electrified and shall not be affixed to or mounted on wheels.

9. Signs shall be made of weather-resistant, durable materials and finish, and shall be kept in a good state of repair.

10. A temporary sign permit shall be obtained in accordance with the provisions of s. 16.16.040 prior to the display of any sidewalk sign. Such permit shall be obtained on an annual basis.

11. The city reserves the right to immediately remove a sidewalk sign found to be in violation of any of these requirements. In addition, the city reserves the right to temporarily order the removal of a sidewalk sign from the public right-of-way for special events, including, but not limited to parades, sponsored runs or walks, or for public health and safety.

12. Any person, business, or organization erecting a sidewalk sign shall indemnify and hold harmless the city and its officers, agents, and employees from any claim arising from the presence or placement of such sign. The person, business, or organization placing the sign shall sign an indemnification agreement, approved by the city attorney, prior to the issuance of a sign permit. The agreement shall be accompanied by evidence of property and comprehensive liability insurance in an amount and form approved by the city attorney covering the liability assumed by the display of the sign. (Ord. 6957, 2011; Ord. 6916, 2010; Ord. 6627 §3, 2005; Ord. 5933 §9, 1999; Ord. 5674 §2, 1996; Ord. 4823, 1988).

**16.16.120 Signs Exempt From Sign Permits.** Except as otherwise specified herein, the following signs shall be permitted in addition to the other allowed signs and shall not require the issuance of a sign permit for their erection. Such signs shall not be exempt from any requirements stated herein or from any structural, electrical, or material specifications or permits set forth in this or other applicable codes or other requirements of this Chapter, including maintenance and repair, and general design and construction. The provisions pertaining to landscaping, spacing, and setbacks as they relate to ground signs shall not apply unless otherwise specified herein. If the following signs are to be illuminated, such signs are to be illuminated only by reflective means unless otherwise specified.

A. Historic Landmark Signs. Plaques either wall mounted or ground signs which identify and give recognition to designated historic landmarks or historic districts as provided in Eau Claire General Ordinances, Chapter 2.65, or under federal law. Such plaques located within a residential zoning district shall be set back at least 10 feet from all property lines.

B. Plaques. Plaques, nameplates, dates of construction, monumental citations, commemorative inscriptions, and the like which are engraved in, or attached to the exterior of a building, monument, or wall.

C. Memorial Signs. Memorial plaques, tablets, grave markers, statuary, or other remembrances of persons or events that are non-commercial in nature.

D. Directional or Instructional Signs. Signs, not exceeding 4 square feet in area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying restrooms, public telephones, public walkways, service bay entrances, loading areas, affiliation with motor clubs, parcel pick-up areas, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including parking lot directional and instructional signs as set forth under subsection E. For unique situations where the copy area of 4 square feet is not sufficient to adequately direct or instruct the public, the Director may allow an increase in copy area of such signs to a maximum size of 20 square feet. Such signs may be illuminated by reflective or internal light source. Within the commercial and industrial zoning districts, such signs may also utilize direct lighting.

E. Parking Lot Directional and Instructional Signs. Parking lot directional and instructional signs may be illuminated by reflective or internal light sources. Such signs may include the name or logo of the owner or lessee which controls the parking lot, but shall not include any advertising of any kind. Such signs are subject to the following requirements:

1. Directional Signs. Signs designating parking lot entrances and exits shall be limited to one sign for each entrance and/or exit and not exceeding 6 square feet in area. Parking lot directional signs shall not exceed 5 feet in height for ground signs, as measured from the established grade of the parking lot or adjacent drive to which such signs are accessory.

2. Instructional Signs. Signs designating the conditions of use or identity of parking lots shall be limited to one sign for each entrance and not exceeding 12 square feet in area. Parking lot instructional signs shall not exceed 7 feet in height for ground signs, as measured from the established grade of the parking lot or adjacent drive to which such signs are accessory. In addition, instructional signs not exceeding 3 square feet in size and 5 feet in height may be displayed to designate the use or restrictions for parking spaces within a parking lot.

3. Directional and Instructional Signs. Signs providing both directional and instructional information shall be limited to one sign for each entrance and not exceeding 18 square feet in area. Such signs shall not exceed 7 feet in height for ground signs, as measured from the established grade of the parking lot or adjacent drive to which such signs are accessory.

F. Flags. A maximum of three flags or pennant-shaped flags may be displayed for each principal building. Such flags may be displayed for a nation, state, municipality or corporation. Principal buildings which are located on a parcel which has a building frontage exceeding 500 feet in length may display one additional flag for each additional 100 feet of building frontage over 500 feet. Flags may be attached to a pole or mast which is affixed to the wall or roof of a principal building or to the ground. The maximum height of any pole or mast shall be 10 feet above the roof line of the building. Ground mounted flagpoles may be located within a required setback provided the attached flag does not extend over the property line when fully extended away from the pole and it does not interfere with traffic vision.

In lieu of one or more of the flags permitted above, a flag or pennant-shaped flag may be displayed which contains colors or patterns provided it contains no wording, advertising or log of any kind. Such decorative flags shall be affixed to the wall or roof of the principal building. If attached to the roof, such pole or mast for such flag must be affixed to the top of the architectural element or feature of the roof line of the building such as column, pilaster, turret, balustrade, tower, cupola, finial, spire or castellated parapet.

G. Governmental Signs. Signs duly authorized and erected by a governmental agency which serves to inform, regulate, direct, or warn the public. The type, number, area, height, location, and illumination of governmental signs may vary from the standards of this ordinance. However, any such departure from these standards shall be limited to the minimum variation necessary to achieve the objective of such sign.

H. Nameplate Signs. For single-family and two-family dwelling units, one nameplate sign per dwelling unit is permitted, not exceeding 2 square feet in area which identifies the name of the occupant(s) of the dwelling unit.

I. Address. A maximum of two signs are permitted which identify the address of a residence or building. Such signs shall not exceed 2 square feet in area.

J. Warning Signs. "No trespassing", "no dumping", "no parking", "beware of dog", and other similar signs are permitted, not exceeding 3 square feet in area and not exceeding two in number for each premise. However, under special circumstances, the Director may permit additional signs if reasonably required to protect the health, safety or welfare of the applicant.

K. Awning Signs. Awning signs only within the CBD sign district, and within the commercial or industrial zoning districts and as set forth in those districts.

L. Permanent Window Signs. Permanent window signs shall be permitted. The total area of such signs plus any temporary window signs shall not exceed a maximum of 40 percent of the window area to which such signs are attached. Such signs may be illuminated pursuant to the provisions of the zoning district or sign district in which such sign is located. Permanent window signs shall not be allowed within the residential and C-1A zoning districts except as provided for home occupations.

M. Interior Signs. Signs other than window signs are permitted which are fully located within the interior of any building or stadium, or within an enclosed lobby, court, or yard which cannot be seen from any abutting street, and signs located within the inner or outer lobby, court, or entrance of any theater which are intended solely for information relating to the interior operation of the building in which they are located. Such signs which are visible from the public right-of-way may be illuminated by reflective or internal means, and all other internal signs may be illuminated by reflective, internal, or direct means.

N. Architectural Features. Integral decorative or architectural features of buildings, including statues and sculptures.

O. Home Occupation and Family Day Care Home Signs. One non-illuminated sign is permitted not exceeding 1 square feet in area and mounted flat against the wall of the dwelling or accessory building or visible through a window which identifies a home occupation or family day care home, as defined in Title 18.

P. Occupational Sign. One occupational sign for each major entrance of a commercial building or public institutional building is permitted denoting only the name and profession of the occupants of such building. Such sign shall not to exceed 2 square feet in area per occupant up to a maximum of 12 square feet for a multiple listing. Such sign may be a wall sign or a window sign.

Q. Utility Signs. Signs placed by public utilities are permitted indicating the location of utility lines or facilities.

R. Signs on Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer are permitted, subject to the provisions of 16.16.130 G.

S. Vending Machine Signs. Signs affixed to and designed as an integral part of vending machines, gasoline pumps, ice or milk containers, newspaper machines, or other similar machines are permitted, indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use or other similar information. Such sign may be illuminated by reflective or internal means, and shall not extend from or project from such devices.

T. Under Canopy or Marquee Sign. One identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee which abuts such business provided said sign extends no more than 1 foot from the underside of the canopy or marquee or closer than 9 feet from the sidewalk grade and does not exceed 8 square feet in area. Such sign may be illuminated by reflective or internal means.

U. Bulletin Signs or Kiosk. One exterior bulletin sign or kiosk per principal building for a school, public agency, church or institution in which notices, bulletins, and announcements may be attached. The surface area of such bulletin sign or kiosk shall not exceed 24 square feet.

V. Temporary Signs. Temporary signs listed in Section 16.16.110 are permitted for which no sign permit is required and as regulated therein.

W. Motor Fuel Price Signs. Motor fuel pump island signs where motor fuel is dispensed for retail sale are permitted which indicate the types of service offered, such as full-service, mini-service, or self-service; grade; or price of the motor fuel sold and which contains no other advertising message. One such sign having a maximum area of 12 square feet may be displayed for each type of service offered. If a premises contains more than one motor fuel pump island, one of which is perpendicular to the other(s), additional signs as provided above may be displayed for such pump island. If, in the determination of the Director that one sign is not sufficient to convey the above information due to the design, layout, or length of the motor fuel pump islands, two single faced signs may be displayed at appropriate points along the pump island in lieu of the provisions set forth above. Such signs shall be subject to the setback provisions of this Chapter.

X. Residential Signs. Signs as set forth in 16.16.080 A which are less than 6 square feet in copy area subject to the provisions set forth therein.

Y. Art Work. Art work, graphic designs, and murals are permitted which contain no commercial message of any kind and which do not attract attention to a commercial premise. Such art work must be attached to a building wall.

Z. Non-Commercial Message Signs. One sign for each parcel is permitted which provides the opportunity to express a political, religious or personal viewpoint, provided such message does not include any form of commercial advertising of any product, good, business or organization of any kind. Such sign shall be either a wall, window or ground sign and shall not exceed eleven square feet in size. Any ground sign shall not exceed six feet in height. Such sign may be placed on a parcel only in lieu of a real estate sign or election campaign sign as set forth in s. 16.16.110. (Ord. 6809 §3, 2008; Ord. 5757 §2, 1997; Ord. 5674 §3, 1996; Ord. 4823, 1988).

**16.16.130 Prohibited Signs.** The following signs are prohibited except as otherwise provided within this Chapter:

A. Signs in the Public Right-of-Way. Any sign, picture, poster, or advertisement of any description erected or placed within the public right-of-way including upon any curb, sidewalk, boulevard, telephone pole, electric pole, street light pole or other pole, bridge, tree, fire hydrant, or other similar object except official public signs which have been duly authorized by a governmental agency and wall, marquee canopy, barber pole, and public service informational signs as authorized by this Chapter.

B. Painted Building Signs. Signs painted directly onto a building.

C. Nuisance Posters. Signs or posters which are visible from the public right-of-way which are tacked, posted, or otherwise affixed to trees, poles, posts, fences, and other similar structures.

D. Signs Reducing Traffic Safety. No sign or other advertising structure shall be erected at the intersection of any streets in such manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words the words, "stop", "danger", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

E. Portable Signs. Except for temporary construction signs and sidewalk signs as set forth in this chapter.

F. Rotating Lights or Beacons. Any device or sign which incorporates a light or beacon which revolves or rotates or appears to revolve or rotate. This is not intended to prohibit such devices when used in conjunction with the operation of such facilities as hospitals and airports.

G. Signs on Parked Vehicles. The parking of any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the apparent purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premise. This is not intended to prohibit vehicular signage on construction vehicles or trailers while in use at construction sites. In addition, it is not intended to prohibit any form of vehicular signage which is incidental to the primary use of a vehicle or trailer unless such vehicle or trailer is clearly visible from the public right-of-way and is not moved from its location for a period exceeding 5 calendar days.

H. Projected Signs. Any lighted message, lettering, picture, or similar advertising display projected on a surface but originating from another source.

I. Moving Signs. Any device or sign which moves, revolves or swings whether by a mechanical means or as a result of wind pressure. (Ord. 6627 §4, 2005; Ord. 5184 §4, 1991; Ord. 4823, 1988).

**16.16.140 Non-Conforming Signs.** Signs in existence upon the enactment of this Chapter shall be subject to the following provisions:

A. Legal Non-Conforming Signs. Any sign lawfully existing or under construction on the effective date of this Chapter which does not conform to one or more of the provisions of this Chapter shall be considered as a legal non-conforming sign and may be continued in operation and maintained as a legal non-conforming sign except as follows:

1. Alteration of a Legal Non-Conforming Sign. If a legal non-conforming sign or sign structure including a temporary sign or sign exempt from obtaining a sign permit is altered, enlarged, moved, or modified in any way, such sign shall be altered or removed so as to conform with all the provisions of this Chapter.

Normal maintenance, the replacement of sign panels or the change of copy for an existing sign cabinet, or incidental repairs shall not be considered as an alteration or modification to a sign. Signs painted directly on a building may be partially or completely repainted, provided that the repainted sign duplicates the original exactly, and a sign permit is obtained in accordance with s. 16.16.040 prior to the repainting. Such permit shall be conditioned by a maximum time period for the sign to be repainted.

In the case where a principal building is occupied by more than one tenant and when a tenant wishes to alter, enlarge, move, modify, or change a wall, canopy, marquee, or projecting sign, only signs applying to such tenant must conform to the provisions of this Chapter. The allowable copy area and number of signs for such altered, enlarged, moved, modified, or changed signs shall be determined by the standards set forth in this Chapter applied to the lineal footage of building wall to which the sign is attached which abuts the tenant.

2. Site Plan Approval. If there is an addition or alteration to an existing building or the construction of a new building either of which would require site plan approval as provided in Title 18, all non-conforming signs existing on such premise shall be altered or removed so as to conform with the provisions of this Chapter. This provision may be modified by the Plan Commission in its review of the site plan if the cost of altering or removing such non-conforming signs exceeds 10 percent of the cost of the addition or change proposed on the site plan or if it finds that the alteration of such signs would be an unreasonable requirement

or an owner, or tenant and would not be consistent with the purpose and intent sections of this Chapter or of the Site Plan Chapter in Title 18.

Ground signs erected prior to the effective date of this Chapter which are located closer than 100 feet to any ground sign shall not be considered as non-conforming to the 100 foot spacing provisions set forth in 16.16.070 D.1. when a site plan is required for a property.

3. Damage to Sign. If a legal non-conforming sign is structurally damaged by any means to the extent of 50 percent or more of its value at that time, such sign shall be altered or removed so as to conform with all the provisions of this Chapter. Damage to sign panels within a sign cabinet shall not be considered as structural damage.

B. Illegal Non-Conforming Signs. Any sign which was not a lawfully existing sign on the effective date of this Chapter or which can no longer be classified as a legal non-conforming sign shall be classified as an illegal non-conforming sign and shall be subject to the provisions of 16.16.150 A. (Ord. 5184 §5, 1991; Ord. 4823, 1988).

**16.16.150 Removal Of Certain Signs.** The Director may remove or cause to be removed any and all defective, unsafe, abandoned, unmaintained, or illegal non-conforming signs when the owner or agent has failed to comply with all orders issued by the City. Such removal shall be completed by the City or the City's agent, and such cost shall be billed to the owner of the premises.

A. Illegal Non-Conforming Signs. If the Director finds that any illegal non-conforming sign specified in 16.16.140 B. is displayed, written notice shall be given to the owners, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Alteration of the sign so as to conform with the provisions of this Chapter or the removal of the sign shall be completed within 30 days after receipt of the notice from the Director. If such sign is not in conformance with this Chapter or removed after the conclusion of such 30 day period, the Director is hereby authorized to cause the sign to be removed.

B. Abandoned Signs. Any sign, whether existing on or erected after the effective date of this Chapter, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within 60 days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, except as provided in 16.16.100 H.

If the Director finds that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within 60 days upon the cessation of such business or sale of such product, written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be completed within 30 days after receipt of the notice from the Director. If such sign is not removed after the conclusion of such 30 day period, the Director is hereby authorized to cause the sign to be removed.

The sign structure is considered part of a sign and is subject to the provisions of this subsection.

C. Unsafe and Unmaintained Signs. If the Director finds that any sign is unmaintained, unsafe or insecure, as specified in 16.16.060, or is a menace to the public, he shall give written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the Director to give such notice shall be completed within 30 days after receipt of the notice. If such condition is not corrected after the conclusion of such 30 day period, the Director is hereby authorized to cause the sign to be removed. Notwithstanding the foregoing provision, the Director is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever he or she determines that such sign is an immediate peril to persons or property. (Ord. 5757 §3, 1997; Ord. 5032 §10, 1990; Ord. 4823, 1988).



**16.16.160 Appeal Authority.** The Board of Appeals as created in Title 18 shall have the authority to review and make determinations on all appeals, applications for variance, and requests for interpretation pertaining to the provisions set forth in this Chapter. All such review, decisions, and determinations made by the Board shall be made in strict accordance with the purpose and intent of this chapter. The Board is hereby vested with the following jurisdiction and authority:

A. Appeals. The Board shall hear and decide appeals where it has been alleged there is an error in any order, requirement, decision or determination made by the Director in the enforcement or administration of this Chapter:

1. Submission of Appeal. Appeals to the Board may be made by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the Director. Such appeal shall be made within 30 days by filing with the Director, and with the Board a written notice specifying the grounds of the appeal. The Director shall transmit to the Board all the papers constituting the record upon which the appeal was made. Any person filing an appeal must also make payment to the City Treasurer, a fee as stated in the City of Eau Claire Fees and Licenses Schedule. Such fee shall be refunded if the Board shall reverse, vary or modify the order, requirement, decision, or determination which has been appealed.

2. Stay of Proceedings. An appeal shall stay all legal proceedings of the action appealed, unless the Director certifies to the Board that, by reason of facts in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by a restraining order from the Board or a court of law.

3. Decision on Appeal. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Director. The final disposition of an appeal shall be in the form of a written resolution or order signed by the secretary of the Board. Such resolution or order shall state the specific facts which are the basis for the Board's determination, and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or part, or shall dismiss the appeal for lack of jurisdiction or prosecution.

B. Variances. The Board shall have the power to grant variances to the terms of this Chapter, when special conditions unique to a property will not allow the property owner to meet the dimensional standards pertaining only to setback or height. To be granted a variance, the property owner must show unnecessary hardship as herein defined and the Board must uphold the purpose and intent of this chapter and deliver substantial justice in its decision.

1. Submission of Application for Variance. Applications for a variance to the terms of this Chapter shall be filed by the owner, agent, or other persons having beneficial interest in the property for which the variance is being requested on forms provided by the Director. Such application shall be submitted to the Director not less than 15 working days prior to the scheduled meeting of the Board and accompanied with such application shall be a fee as stated in the City of Eau Claire Fees and Licenses Schedule payable to the City Treasurer. Upon receipt of an application, a Class I notice shall be given and property owners within 175 feet of the subject property shall be notified of the meeting by mail.

2. Review Criteria. The variance shall not conflict with the purpose or intent of this Chapter or with other policies of the city. A variance must, by standard, be the minimum necessary to grant relief and must not be detrimental to adjacent properties. "Unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property related to the provisions of this Chapter, caused by factors such as topography, elevational differences between the lot and adjacent public right-of-way, lot configuration or other factors uniquely applicable to that particular piece of property, as distinguished from all other property in the same district. Factors which are not considered as grounds for "unnecessary hardship" shall include but shall not be limited to:

- a. loss of profit or pecuniary hardship;
- b. self-imposed hardship;
- c. variances granted to neighboring properties;
- d. existing legal non-conforming signs located on neighboring properties.

3. Approval of Variance. A concurring vote of four members of the Board shall be necessary to grant a variance. The final disposition of a variance shall be in the form of a written resolution or order signed by the secretary of the Board which shall state the specific findings which are the basis for the Board's determination. In granting variances, the Board may impose special conditions to ensure that the purpose of the ordinance is met. Violations of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this Chapter. If a variance is granted, it shall be permanently applicable to the property if all the conditions that are attached are met and all factors that warranted the variance remain.

C. Interpretations. The Director may, where there is doubt as to the meaning thereof, present to the Board for their interpretation the words, terms, rules, regulations, provisions and restrictions of this Chapter. In exercising its power of interpretation, the Board's action shall not change or have the effect of changing any rule, regulation, provision or restriction of this Chapter, but shall only affect its application to the specific case before the Board. Interpretation by the Board shall be made without hearing and shall require a concurring vote of four members. (Ord. 6363 §36, 2002; Ord. 6240 §2, 2001; Ord. 4823, 1988).

**16.16.170 Licensing and Insurance Requirements.** No person shall install, erect, or maintain any sign set forth below in the City without first obtaining a license to do so from the City.

- A. Ground signs greater than 10 feet in height or greater than 50 square feet in area;
- B. Wall signs exceeding 100 square feet in area;
- C. Canopy, marquee, projecting, or roof signs;
- D. Electrical signs which require an electrical connection other than an electrical plug;
- E. All signs except awning signs which extend over the public right-of-way by more than 2 inches.
- F. The fee for such license shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

Application for such license shall be made in writing to the city clerk. Applications for licenses shall be filed with the city clerk, together with the license fee and a certificate of insurance. Such license shall be issued by the city clerk upon recommendation of the administrator and shall have a term of one year from July 1 to June 30. Such license may be revoked by the city council at any time, whenever in the opinion of said city council such sign or sign hanger has violated any of the provisions of this chapter or any ordinance of the city of Eau Claire pertaining to the business of sign hanging.

G. Each sign installer shall maintain insurance for, or provide other proof to the City's satisfaction of, protection against claims under workers compensation acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the applicant is legally liable. The limits for such insurance shall be as follows: comprehensive general liability for personal (bodily) injury and property damage combined (including contractual liability, products, and completed operations) - \$500,000 per occurrence; auto liability for personal (bodily) injury and property damage - \$500,000 per occurrence. A certificate of insurance showing the amounts and extent of such insurance shall be submitted to the city clerk prior to the issuance of a license. (Ord. 6538 §3, 2004; Ord. 6363 §36, 2002; Ord. 5138 §5, 1991; Ord. 4823, 1988).

**16.16.180 Signs Not Regulated By Ordinance.** An application for any sign or advertising display or structure for which no regulation in this Chapter is applicable shall be considered by the Plan Commission under the conditional use permit procedure as outlined in Title 18, and such application shall be approved or denied in harmony with the purpose and intent of these regulations. (Ord. 4823, 1988).

**16.16.190 Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare. (Ord. 4823, 1988).

**16.16.200 Conflicting Codes and Ordinances.** If any provision or requirement of this Chapter is found to be in conflict with any other provision or requirement of this Chapter or of any other applicable governmental law, ordinance, or rule, the regulations which establishes the more restrictive rule or higher standard shall govern. (Ord. 4823, 1988).

**16.16.210 No Vested Right.** Nothing in this Chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or sign structure of any kind. The provisions of this Chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare. (Ord. 4823, 1988).

**16.16.220 Violations and Penalties.** Any person who violates or causes to be violated any provisions of this Chapter or fails to carry out the lawful order of the Director made pursuant to this Ordinance shall upon conviction thereof, be subject to a forfeiture of not less than \$10 nor more than \$100, together with the costs of prosecution, and in default of payment thereof shall be committed to the Eau Claire county jail for a term not to exceed 30 days. Each day such violation continues shall constitute a separate violation. (Ord. 4823, 1988).

## **CHAPTER 16.18**

### **POSTER PANEL SIGNS**

#### **Sections:**

- 16.18.010 Purpose and Intent.**
- 16.18.020 Administration and Enforcement.**
- 16.18.030 Definitions.**
- 16.18.040 Permits for Poster Panels.**
- 16.18.045 Lease of City-Owned Property.**
- 16.18.050 Sign Permits Not Required.**
- 16.18.060 General Provisions.**
- 16.18.070 Non-Conforming Signs.**
- 16.18.080 Removal of Signs.**
- 16.18.090 Licensing and Insurance Requirements.**
- 16.18.100 Interpretation.**
- 16.18.110 Conflicting Codes and Ordinances.**
- 16.18.120 Vested Right.**
- 16.18.130 Violations and Penalties.**

**16.18.010 Purpose and Intent.** This code provides the legal framework to regulate poster panels within the City of Eau Claire. Since exterior signing has a clear impact on the character and quality of life in a community, the purpose and intent of this chapter with respect to poster panels shall be consistent with those objectives stated for on-premise signs in 16.16.010. This code recognizes the provision of off-premise advertising by means of poster panels in contributing to the effective display and transfer of business and community information. The opportunity to erect poster panel signs,

however, shall be balanced by the need for aesthetics as reflected in the location and physical features of such signs, their compatibility with surrounding land uses and existing signs, and the safety and public welfare of the residents of the city relative to the location, construction, and maintenance of such signs. Therefore, any such sign must comply with the provisions stated herein as well as all other applicable provisions of the municipal code. (Ord. 4823, 1988).

**16.18.020 Administration and Enforcement.** The administration and enforcement of this Chapter shall be the responsibility of the Director of Planning and Development. (Ord. 4823, 1988).

**16.18.030 Definitions.** In this Chapter and Chapter 16.16, the following words shall have the meaning defined below, unless it is apparent from the context that different meanings are intended. The definitions set forth in 16.16 shall also be applicable to this Chapter.

Non-conforming Sign. A sign which does not comply with one or more of the provisions of this Chapter or Title 18.

Off-premise Sign. A sign which directs attention to a business, profession, person, activity, commodity, or service which is conducted, sold, or offered at a location other than the premises on which the sign is located.

On-premise Sign. A sign which directs attention to a business, profession, person, activity, commodity, or service located on a premise where the sign is installed and maintained.

Poster Panel. A sign erected, constructed or maintained for the purpose of displaying changeable advertising or off-premise outdoor advertising by means of posters, or pictorial, or reading matter, when such sign is supported by uprights or braces, or attached to a building. A poster panel shall not be considered as a changing sign as defined in Chapter 16.16.

Sign Height. The distance measured vertically from the average grade of the finished ground elevation to the highest point of the sign. For ground signs this shall include visual appurtenances which may extend above the sign.

Sign Area or Copy Area. The entire area within a single continuous perimeter enclosing the extreme limits of the message delineated by lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. (Ord. 4823, 1988).

**16.18.040 Permits for Poster Panels.** Poster panels may be erected, moved, enlarged, or reconstructed within the city only upon the granting of a conditional use permit by the City Plan Commission according to the provisions set forth in this Chapter and according to the procedures and requirements set forth for conditional use permits in Title 18 except as otherwise provided in this Chapter. Such conditional use permits may be approved only for poster panels to be located within the "C-3" General Commercial District, "I-1" Light Industrial District, and "I-2" General Industrial District, identified in Title 18, and within any Highway District or Planned Development District identified in Title 18 which has an underlying zoning of "C-3", "I-1", or "I-2". Poster panels shall not be permitted within the Central Business District Sign District identified in Chapter 16.16 or within the Neighborhood Conservation District as set forth in Title 18.

Upon approval of a conditional use permit for a poster panel, such sign may be erected, moved, enlarged, or reconstructed upon issuance of a sign permit subject to the provisions of this Chapter in accordance with the permit provisions set forth in 16.16.040. (Ord. 4823, 1988).

**16.18.045 Lease of City-Owned Property.** A. Property owned by the city of Eau Claire shall not be leased for the purpose of construction, maintenance, or display of a poster panel sign, and any such lawful and valid lease shall be terminated at the expiration of its term, except as provided herein.

B. City-owned property may be leased for said purposes if the parcel is zoned "C-3", "I-1", or "I-2". Any such lease shall only be approved by the city council following the granting of a conditional use permit to the applicant/lessee pursuant to Eau Claire Municipal Code s. 16.18.040 and compliance with the terms of this chapter. (Ord. 6892, §1, 2009).

**16.18.050 Sign Permits Not Required.** Sign permits shall not be required under the following conditions:

A. Change of Copy. For the changing, replacing, or altering of the changeable copy on such signs.

B. Maintenance. Normal maintenance such as painting, repairing, or cleaning, an existing sign provided no structure change to the sign or sign structure is made. (Ord. 4823, 1988).

**16.18.060 General Provisions.** The following provisions shall be applicable to all poster panels.

A. Construction. Poster panels shall be constructed of metal only. This requirement includes the entire sign structure, except for the display area and borders which may be constructed or finished in wood. Such signs shall be designed, constructed, or erected to withstand horizontal wind pressures of not less than 30 pounds per square foot and shall be constructed in accordance with all applicable building codes.

B. Sign Types Permitted. A poster panel shall be erected only as a ground sign and shall not be located within the vision triangle.

C. Height. The maximum height for a poster panel or sign structure shall be 40 feet above the grade of the street or highway which the sign is being directed towards or up to 20 feet above the grade at the base of the structure, whichever is greater. If deemed appropriate by the Plan Commission in the granting of a conditional use permit, the Commission may allow poster panels at greater heights than set forth by this ordinance or may require lesser height.

D. Copy Area. No poster panel shall exceed 400 square feet in copy area.

E. Setback. Poster panels shall comply with the setback provisions set forth in Title 18. Setbacks shall be measured from the appropriate property line to either the poster panel or sign structure, whichever is nearest the property line.

F. Number of Signs. Each sign structure may have a maximum of two sign faces attached to it. If two sign faces are oriented in opposite (180°) directions and parallel to each other, or if the interior angle at the apex of the intersection of the two sign faces is equal to or less than 60°, each sign face may be as large as the maximum size permitted. If such angle is greater than 60°, the total area of the two sign faces combined shall not exceed the maximum area for a single sign face.

G. Spacing. Each poster panel or sign structure for a poster panel shall be spaced at least the distances set forth below:

1. State Trunk Highway Network and Other Highways. Poster panels erected along a state trunk highway network roadway, or along Hastings Way, shall be at least 1,000 feet from all poster panel signs on the same side of the highway. State trunk highway network roadways include interstate highways, United States highways, and intrastate highways, in accordance with Chapter 84 of the Wisconsin Statutes and Trans 108 of the Wisconsin Administrative Code.

2. Other Streets. Poster panels erected along any other street or highway shall be at least 500 feet from all poster panel signs on the same side of the street;

3. Opposite Sides of Streets. No two poster panel sign structures on opposite sides of the street or on intersection streets shall be closer than 250 feet.

4. Other Ground Signs. No poster panel shall be closer than 100 feet from any other ground sign unless the Plan Commission finds that:

a. The placement of the poster panel more than 100 feet from another ground sign is not reasonably practicable or that complying with the 100 foot requirement would require the placement of such sign in a location that would obstruct or block buildings, or conflict with traffic circulation, parking, or access drives.

b. The poster panel will not adversely affect or inhibit the safe and efficient movement of pedestrians and motorists.

c. The poster panel will not have a substantial adverse effect on the street setting and neighborhood character.

d. The poster panel will not obscure the ground sign which is within 100 feet in terms of height or copy area, and will not obstruct the view of such sign.

These findings shall be made by the Plan Commission in accordance with the provisions for conditional use permit in Title 18. On-premise ground signs on the opposite side of a street shall not be a consideration of this 100 foot spacing provision.

H. Illumination. A poster panel may be illuminated only by a reflected or internal light source. The source of light shall be oriented or otherwise controlled to prevent glare towards any part of an existing residence, a residential area or district, or a public street or highway. No poster panel shall be constructed as a flashing, moving or animated sign. Illuminated signs shall be constructed in accordance with all applicable electrical codes.

I. Clearance. All poster panels constructed as ground signs shall have an open space of not less than 3 feet between the lowest edge of such sign and the ground level, which must remain open. If erected at a property on which a principal building is located, such poster panel shall be placed within a landscaped area which extends at least three feet in all directions from the base of the poster panel.

J. Poster Panels Adjacent to Residences.

1. Location from Residence. All poster panels shall be located at least 100 feet from any parcel that contains a dwelling unit or from the boundary of a residential zoning district, portion of a planned development district containing or proposed to contain residences, public districts, historic districts, or conservancy districts.

2. Appearance from Residences. If the back of a poster panel is visible from an adjacent residential zoning district, such sign shall have such back painted in a neutral color compatible with the background against which it is set. If the sign faces of such a sign poster panel are extended in a V-shaped orientation, they shall not be more than 20 feet apart at their furthest points.

K. Obstructing Access. No poster panel or sign structure, or any anchor, brace, guide wire or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder, chimney or stand pipe, and no such structure or any part of such structure or anchor brace, guide wire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building for rescue or fire suppression as necessity therefore may require.

L. Maintenance. No person constructing, erecting, owning or controlling a poster panel shall fail, refuse, or neglect to remove all weeds, rubbish, or flammable waste or material within a distance of 10 feet on each side of the base of such structure, or fail to keep the sign and its structural supports in good repair and safe condition. Failure to comply with this section may result in action by the Plan Commission to rescind the conditional use permit, with subsequent removal of the entire structure as set forth in 16.18.080.

M. Identification. Every poster panel shall have marked, in a conspicuous place thereon, the name of installer and manufacturer, and the voltage of any electrical apparatus used in connection therewith.

N. Traffic Safety. No poster panel shall be erected at the intersection of any streets in such manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop", "danger", or any other comparable word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

In addition, no poster panel shall create a conflict with pedestrian or vehicular circulation on the premise it is located.

O. Scenic Overlooks. No poster panel shall be erected in a manner that would obstruct or block the view of a designated scenic overlook or scenic vista.

P. Adjacent Buildings and Signs. The sign face of a poster panel shall not obstruct or obscure the view of any signs or buildings located on an adjacent premise. (Ord. 6590 §4, 2005; Ord. 4823, 1988).

**16.18.070 Non-Conforming Signs.** Poster panel signs in existence upon the enactment of this Chapter shall be subject to the provisions set forth below.

A. Legal Non-Conforming Signs. Any poster panel sign lawfully existing or under construction on the effective date of this Chapter which does not conform to one or more of the provisions of this Chapter shall be considered as a legal non-conforming sign and may be continued in operation and shall be subject to the provisions set forth below:

1. Alteration. A legal non-conforming poster panel sign or sign structure shall not be altered or modified in any way, except as provided in this section.

a. Normal maintenance and the changing, replacing, or altering of the changeable copy shall be permitted.

b. The elimination of a sign face from the sign structure shall be permitted.

c. The replacement of a sign face shall be permitted, subject to the following requirements:

1) The cumulative cost of all alterations and modifications to a sign that is non-conforming by use, including replacement sign faces and installation over the life of the sign and structure, shall not exceed 50 percent of the replacement value of such sign and sign structure.

2) No sign structure shall display any sign face exceeding 400 square feet in size.

3) The replaced sign face shall not change the method of illumination, increase the overall height of the sign, increase the square footage of the sign to be replaced, or increase any other non-conformity of the sign or sign structure.

4) No other structural change or modification shall be made to the structure.

5) At least one non-conforming poster panel sign face, and all of its related sign structure, shall be removed for 7 or fewer non-conforming poster panel sign faces that are replaced per site plan approval under sub. 6), with no credit given on subsequent applications for fewer sign face changes.

6) The applicant shall submit a site plan, as set forth in Chapter 18.45, which identifies the poster panel sign faces proposed to be replaced and the poster panel sign faces proposed to be removed. The site plan shall establish, to the satisfaction of the Plan Commission, that the sign faces proposed for removal are similar to those proposed to be replaced in terms of sign face square footage, and are located along streets with similar traffic volumes. The city shall prioritize the removal of those poster panel sign faces that are non-conforming due to multiple standards contained in s. 16.18.060 and are located within the Downtown Eau Claire Sign District, the Water Street Sign District, or one of the city's redevelopment districts.

2. Damage to Sign. If a legal non-conforming sign is damaged by any means to the extent of 50 percent or more of its assessed value at that time, such sign shall be altered or removed so as to conform with all the provisions of this Chapter.

3. Site Plan Approval. If there is an addition or change to any property that would involve site plan approval as required in Title 18, all non-conforming signs existing on such property shall be altered or removed so as to conform with the provisions of this Chapter. Such alteration as required by this provision shall not require a conditional use permit. If any lease or agreement exists which prohibits this from occurring at the time of the site improvements, the Plan Commission can require conformance with this provision at the expiration of such lease or agreement.

Poster panels erected prior to the effective date of this Chapter which are located closer than 100 feet from an on-premise ground sign shall not be considered as non-conforming to the provisions of 16.18.060 G.4.

4. Exceptions and Credits. The owner of a legal non-conforming poster panel shall be eligible to receive one poster panel face credit, herein after called a credit, for each sign face of a legal non-conforming poster panel when such sign is removed and which the owner thereof receives no compensation of any kind for such removal. To reserve such credits, written notice shall be given by the owner or owner's agent to the Director that a legal non-conforming poster panel is to be removed. Such notification shall be made prior to any alteration of the poster panel and shall be accompanied by a fee as stated in the City of Eau Claire Fees and Licenses Schedule. The Director shall maintain a log of the credits and the name of the owner thereof.

Subject to the terms and conditions set forth below, a credit may be used to reconstruct or move a legal non-conforming poster panel on the same lot where it is located, or can be used to construct a new poster panel at a different location. Poster panels erected, moved, or reconstructed by the use of a credit shall not require the approval of a conditional use permit.

a. Poster panels erected, moved, or reconstructed through the use of a credit shall comply with the provisions of 16.18.060.

b. Poster panels erected, moved, or reconstructed pursuant to this section shall be located only within a zoning district or area in which poster panels are permitted pursuant to 16.18.040. Where the plan commission has previously denied a conditional use permit for a premises as provided in s. 16.18.040, such credits shall not be used to erect, move, or reconstruct a poster panel on said premises or within a distance from such premises as determined by the plan commission at the time of taking action on such conditional use permit. Such distance shall not exceed the applicable distances set forth for poster panel spacing in 16.18.060 G. In making such determination that a poster panel or panels shall not be located within a distance of the prescribed premises by use of a credit, the commission shall consider the following factors: number, size, setback and height of existing signs and buildings in the area; pedestrian and vehicle circulation on abutting streets and within properties in the area; and policies contained in both the comprehensive plan and zoning code. The plan commission's consideration of these factors shall relate to whether such sign would have an adverse effect on the safety and welfare of the public, or aesthetics of the area.

c. One credit shall be used for each sign face that is erected, moved, or reconstructed.

d. The construction, reconstruction, or relocation of poster panels pursuant to this subsection may be initiated upon receipt of a sign permit issued by the Director in accordance with the sign permit provisions set forth in 16.16.040.

e. A credit must be used by its owner within three years of when the credit is received from the Director. Construction of a poster panel which is approved by the Director shall constitute use of a credit.

f. The owner of a credit shall not transfer a credit to another person, firm, or business except through the sale of substantially all the assets of a company located within the City or through the liquidation of a company which owns a credit.

Poster Panel Face Credit--Repealed. On November 3, 2003, the provisions for the issuance of a poster panel face credit for the removal of a non-conforming poster panel shall be repealed. Any previously issued credit that has not been used shall remain in effect until used or expired, subject to the provisions of this subsection A. 4.

B. Illegal Non-Conforming Signs. Any sign which was not a lawfully existing sign on the effective date of this Chapter or which can no longer be classified as a legal non-conforming sign shall be classified as an illegal non-conforming sign and shall be subject to the provisions of 16.18.080. (Ord. 6871, 2009; Ord. 6445, 2003; Ord. 6363 §36, 2002; Ord. 5473, 1995; Ord. 4920, 1989; Ord. 4823, 1988).

**16.18.080 Removal of Signs.** The Director may remove or cause to be removed any and all defective, unsafe, abandoned, unmaintained poster panel signs, or illegal non-conforming signs when the owner or agent has failed to comply with all orders issued by the City. Such removal shall be completed by the City or the City's agent, and such cost shall be billed to the owner, agent or person having beneficial interest in such premises.

A. Illegal Non-Conforming Signs. If the Director finds that any illegal non-conforming sign specified in 16.18.070 B is displayed, written notice shall be given to the owner, agent, or person having the beneficial interest in such sign or the premises on which such sign is located. Alteration of the sign so as to conform with the provisions of this Chapter or the removal of the sign shall be completed within 30 days after receipt of the notice from the Director. If such sign is not in conformance with this Chapter or removed after the conclusion of such 30 day period, the Director is hereby authorized to cause the sign to be removed.



B. **Unsafe and Unmaintained Signs.** If the Director finds that any sign is unmaintained or unsafe, or is a menace to the public, written notice shall be given to the owner, agent, or person having the beneficial interest in such sign or the premises on which such sign is located. Correction of the condition which caused the Director to give such notice shall be completed within 30 days after receipt of the notice. If such condition is not corrected after the conclusion of such 30 day period, the Director is hereby authorized to cause the sign to be removed. Notwithstanding the foregoing provision, the Director is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in such sign or premises on which such sign is located, whenever he or she determines that such sign is an immediate peril to persons or property. (Ord. 4823, 1988).

**16.18.090 Licensing and insurance requirements.** A. No person shall install, erect, or maintain any poster panel sign in the city without first obtaining a license to do so from the city. The fee for such license shall be as stated in the City of Eau Claire Fees and Licenses Schedule. Application for such license shall be made in writing to the city clerk. Applications for licenses shall be filed with the city clerk together with the license fee and a certificate of insurance. Such license shall be issued by the city clerk upon recommendation of the director and shall have a term of one year from July 1 to June 30. Such license may be revoked by the city council at any time, whenever in the opinion of said board such sign or sign hanger has violated any of the provisions of this chapter or any ordinances of the city of Eau Claire pertaining to the business of sign hanging.

B. Each poster panel installer shall maintain insurance for, or provide other proof to the City's satisfaction of, protection against claims under workers compensation acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the applicant is legally liable. The limits for such insurance shall be as follows: comprehensive general liability for personal (bodily) injury and property damage combined (including contractual liability, products, and completed operations) - \$500,000 per occurrence; auto liability for personal (bodily) injury and property damage - \$500,000 per occurrence. A certificate of insurance showing the amounts and extent of such insurance shall be submitted to the city clerk prior to the issuance of a license.

C. In addition to such liability insurance requirement, the city council may require that such erection or maintenance be first approved by the city council under the provisions of Wisconsin Statutes, section 66.045, and that the applicant comply with the provisions of those statutes. (Ord. 6363 §36, 2002; Ord. 5138 §6, 1991; Ord. 4823, 1988).

**16.18.100 Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare. (Ord. 4823, 1988).

**16.18.110 Conflicting Codes and Ordinances.** If any provision or requirement of this Chapter is found to be in conflict with any other provision or requirement of this Chapter or of any other applicable governmental law, ordinance, or rule, the regulations which establishes the more restrictive rule or higher standard shall govern. (Ord. 4823, 1988).

**16.18.120 Vested Right.** Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or sign structure of any kind. The provisions of this Chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare. (Ord. 4823, 1988).

**16.18.130 Violations and Penalties.** Any person who violates or causes to be violated any provisions of this Chapter or fail to carry out the lawful order of the Director made pursuant to this Chapter shall upon conviction thereof, be subject to a forfeiture of not less than \$10 nor more than \$100, together with the costs of prosecution, and in default of payment thereof shall be committed to the Eau Claire county jail for a term not to exceed 30 days. Each day such violation continues shall constitute a separate violation. (Ord. 4823, 1988).

**Chapter 16.24**

**ELECTRICAL CODE**

**Sections:**

- 16.24.010 Electrical inspector--Appointment.**
- 16.24.020 Electrical inspector--Powers and duties.**
- 16.24.030 Chief of fire department is electrical inspector.**
- 16.24.080 Contractor--Insurance requirements.**
- 16.24.090 City not liable for damages.**
- 16.24.100 Permit required.**
- 16.24.120 Permit--Issuance.**
- 16.24.130 Permit--Fees.**
- 16.24.140 Minimum standards.**
- 16.24.145 Adoption of the Wisconsin state electrical code.**
- 16.24.150 Wiring methods and installations.**
- 16.24.160 Grounding.**
- 16.24.180 Abandoned wiring.**
- 16.24.190 Underground services, feeders and branch circuits under 600 volts.**
- 16.24.200 Conduit above roof line.**
- 16.24.220 Inspector--Findings--Action.**
- 16.24.230 Inspector--Right of entry.**
- 16.24.240 Inspection--Certificate.**
- 16.24.250 Emergency work.**
- 16.24.260 Violations--Penalties.**

**16.24.010 Electrical inspector--Appointment.** A. The position of electrical inspector is authorized and established. The electrical inspector shall be appointed by the city manager.

B. The electrical inspector shall be a person who is skilled in the installation, planning, designing, superintending and inspection of electrical wiring and equipment. He shall be well versed in approved methods of electrical construction for safety to life and property and the laws and ordinances pertaining thereto.

C. The electrical inspector shall not be interested as a partner or otherwise with any person or persons, or in any business dealing in electrical supplies, fixtures or material, or carrying on the trade or work of an electrician.

D. In all respects the city of Eau Claire electrical inspector shall comply with the provisions of the Wisconsin Administrative Code COMM Chapters 5 and 16 (subchapter IV). (Ord. 6163 §3, 2001; Ord. 5658 §1, 1996; Ord. 5484 §9, 1995; Prior code §10.01(a), (b)).

**16.24.020 Electrical inspector--Powers and duties.** A. The electrical inspector may make or cause to be made a thorough inspection of any wires or equipment within the city at any time.

B. The electrical inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time in order to examine electrical equipment in such building.

C. He shall issue licenses and permits as provided in this chapter. (Prior code §10.01(c)).

**16.24.030 Chief of fire department is electrical inspector.** The chief of the fire department or the electrical inspector shall have the power to cause the removal of all wires, and the discontinuance of all electrical current when the circuits interfere with the work of the fire department. (Prior code §10.02).

**16.24.080 Contractor--Insurance requirements.** Each electrical contractor shall maintain insurance for, or provide other proof to the City's satisfaction of, protection against claims under workers compensation acts; claims due to personal injury or death of any employee or any other person; claims due to injury or destruction of property; and claims arising out of errors, omissions, or negligent acts for which the applicant is legally liable. The limits for such insurance shall be as follows: comprehensive general liability for personal (bodily) injury and property damage combined (including contractual liability, products, and completed operations) - \$500,000 per occurrence; auto liability for personal (bodily) injury and property damage - \$500,000 per occurrence. A certificate of insurance showing the amounts and extent of such insurance shall be submitted to the city clerk prior to the issuance of a license. (Ord. 5138 §8, 1991; Prior code §10.05(b)).

**16.24.090 City not liable for damages.** This chapter shall not be construed as assuming any liability on the part of the city for damages to anyone injured, or any property destroyed by defective work, material or plan in any building or the permanent equipment thereof. (Prior code §10.06).

**16.24.100 Permit required.** A. No electrical wiring or other equipment shall be installed or repaired without securing a permit therefor from the electrical inspector. The application for such permit shall state clearly the work planned, alterations to be made and equipment and materials to be used.

B. Permits will not be required for:

1. Installing, altering or repairing equipment or appliances that merely plug into an existing electrical receptacle;
2. Adjustment or repair of highly specialized electrical apparatus or equipment such as, but not limited to, computers, elevators, dental and medical equipment and X-ray machines, when performed by company or factory authorized personnel;
3. Only minor routine repairs and maintenance of existing facilities;
4. Electrical work in or on federal or state owned buildings or property.

C. An electrical permit shall have lapsed and be void unless the electrical work is commenced within six months from the date of issuance thereof. Electrical permits may be renewed at a fee as stated in the City of Eau Claire Fees and Licenses Schedule within six months from the date of lapse. A permit shall expire if work on a project is ceased for a period of twelve months or if 36 months has elapsed since permit issuance. Expired permits may be reissued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or reissuance shall apply to the project. (Ord. 6363 §36, 2002; Ord. 6241 §1, 2001; Ord. 5385 §5, 1994; Ord. 4046 §3, 1980).

**16.24.120 Permit--Issuance.** Such permits shall be issued only to licensed electrical contractors, or to an owner to do the work on his homestead, and such permits shall not be transferable. For the purpose of this chapter the word "homestead" shall be construed to mean a single family dwelling occupied or to be occupied by the owner. However, permits may also be issued to plants and/or manufacturing facilities for the installation, alteration and control of electrical equipment when such establishment has in its employ a full time registered electrical engineer or Wisconsin state certified master electrician supervising an established electrical maintenance department. (Ord. 5658 §2, 1996; Ord. 5193 §2, 1991; Ord. 4418, 1983; Ord. 4181 §2, 1981; prior code §10.07(c)).

**16.24.130 Permit--Fees.** A permit fee, as stated in the City of Eau Claire Fees and Licenses Schedule, shall be required for new construction, additions, services, service changes, alterations, and reinspections. (Ord. 6363 §36, 2002; Ord. 6241 §1, 2001; Ord. 6163 §4, 2001; Ord. 5859 §5, 1998; Ord. 5484 §11, 1995; Ord. 5385 §6, 1994; Ord. 5138 §9, 1991; Ord. 4814, 1988; Ord. 4789 §19, 1988; Ord. 4443 §1, 1984; Ord. 4181 §3, 1981; Ord. 4085 §1, 1980; Ord. 4046 §5, 1980; Ord. 3977 §§2, 3, 1979; Ord. 3951 §18, 1979; Ord. 3141 §1, 1970; Prior code §10.07(d)).

**16.24.140 Minimum standards.** All electrical work, including the installation and placing of wires and other electrical equipment, shall be done in conformity with minimum standards established by the National Electrical Code, the Wisconsin State Electrical Code, and this chapter. Said codes are by this reference incorporated herein. Copies thereof shall be on file in the office of the electrical inspector and be open to public inspection. All electrical work performed in the city shall be performed in such a manner as not to endanger life or constitute a fire hazard. (Ord. 5484 §12, 1995; Ord. 5400 §2, 1994; Ord. 5193 §3, 1991; Ord. 4804, 1988; prior code §10.08).

**16.24.145 Adoption of the Wisconsin state electrical code.** The Wisconsin Administrative Code, chapter COMM 16 and all amendments thereto, are hereby adopted by reference and made a part hereof. The city of Eau Claire hereby takes the responsibilities of electrical inspection of public buildings and places of employment pursuant to COMM 16, subchapter IV. The city of Eau Claire shall employ a state certified commercial electrical inspector (COMEL). Except as otherwise regulated by this chapter, all installations of electrical equipment shall conform to and comply with the state electrical code, the statutes of the state of Wisconsin, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. (Ord. 6163 §5, 2001; Ord. 5658 §3, 1996; Ord. 5484 §13, 1995).

**16.24.150 Wiring methods and installations.** Electrical wiring methods and installations within the city shall conform to and be made and performed pursuant to the provisions of the state of Wisconsin Electrical Code with the following exceptions:

Wiring methods of the National Electrical Code, Article 320 and Article 334 may be used only in single family dwellings, two family dwellings, buildings originally constructed as a one or two family dwelling which have been or will be converted to rooming houses with occupancy of 14 persons or less, and multiple family dwellings containing only dwelling units and hallways, provided that all required emergency wiring installed upon any such premises shall comply with Wisconsin Administrative Code COMM 16.45. In buildings that contain multiple types of occupancies with dwelling units, the wiring methods of Articles 320 and 334 shall not be used. In buildings that contain dwelling units and common areas in conjunction with the dwelling units, such as dining areas, activity areas, food preparation, etc., wiring methods of Articles 320 and 334 may be used in the dwelling unit portions only, subject to the following:

A. All common areas of basements and garages of multiple family dwellings constructed after the effective date of this section (April, 1973) shall be wired in raceways, except where protected by permanent surfacing materials;

B. Service wiring on all new residential dwellings and new services on existing residential dwellings with hard exterior surfaces of stone, brick, stucco, metal and slate, shall be wired in conduit.

C. When re-siding existing buildings with stone, brick, stucco, metal, vinyl, slate, masonite or other hard surface materials, the service wiring shall be installed in an approved raceway. (Ord. 6485, 2004; Ord. 6163 §6, 2001; Ord. 5658 §4, 1996; Ord. 4640, 1986; Ord. 4447, 1984; Ord. 4443 §2, 1984; Ord. 4100, 1980; Ord. 4085 §2, 1980; Ord. 3345 §1, 1973; Prior code §10.09(a)).

**16.24.160 Grounding.** Except when special permission has been obtained from the electrical inspector, all electrical services shall be grounded on the street side of the water meter. (Prior code §10.09(e)).

**16.24.180 Abandoned wiring.** Old wiring that has been replaced and/or abandoned shall be removed from a building structure, raceway, support, etc., or left in a manner that renders the de-energized state of the conductors obvious. (Ord. 4579 §6, 1985).

**16.24.190 Underground services, feeders and branch circuits under 600 volts.**

A. Supplementary mechanical protection such as a covering board, marking tape, concrete pad, raceway, etc., may be required by the electrical inspector.

B. Permission of the city engineer must be secured before placing any underground wiring in a public right-of-way.

C. Conduit underground runs to gasoline dispensers, pumps, and lighting standards in the dispensing area shall have individual conduit runs from inside the station and be not less than three fourths inch trade size. (Ord. 5385 §7, 1994; Ord. 4443 §3, 1984; Ord. 4181 §4, 1981; Ord. 4085 §3, 1980).

**16.24.200 Conduit above roof line.** Where the conduit is extended above the roof line as a service drop support, a minimum size of two inch rigid steel conduit shall be used. (Ord. 5859 §6, 1998; Ord. 5658 §5, 1996; Ord. 4785, 1987; Ord. 4085 §4, 1980; Ord. 4284 §2, 1982; Prior code §10.09(k)).

**16.24.220 Inspector--Findings--Action.** A. Whenever the electrical inspector finds wires or equipment in a dangerous condition or so placed as to interfere with the work of the fire department, he may order the persons using or operating them to place them in a safe and noninterfering condition within forty-eight hours, and on failure to comply with such order or direction, the inspector shall have authority to order such wires disconnected. Failure to comply with such orders shall constitute a violation of this chapter. Any person who resists or obstructs any lawful exercise of authority by the inspector shall be subject to the penalty provided in this chapter.

B. Persons, firms or corporations associated with crafts other than electrical and functioning in their native pursuits shall in no way alter the approved character of an electrical installation by the placement of materials or equipment in too close proximity, by concealment, by making inaccessible, or in any way affecting said approved installation so as to render it in violation of this code. (Ord. 4046 §6, 1980; prior code §10.11(a)).

**16.24.230 Inspector--Right of entry.** The electrical inspector shall have the power to enter any building or premises at any reasonable hour in the discharge of his duties. He shall also have the power to enter any building used in whole or in part for the purpose of public assemblage when occupied by the public, or at any time, in order to examine electrical equipment in such building. (Prior code §10.11 (b)).

**16.24.240 Inspection--Certificate.** Unless otherwise especially permitted by the inspector, all work shall be left uncovered for examination until examined and approved by the inspector. Whenever any work is ready for inspection, the inspector shall be notified by the person receiving permit specifying the permit number under which work is being done. The electrical inspector shall have the privilege of inspecting all electrical installations previous to and after completion and he is empowered to have removed any obstructions, such as laths, plastering, boarding or partitions which might prevent a perfect inspection. There shall be an electrical inspection card affixed to the building permit by the electrical inspector before any electrical work can be covered or concealed. Installations when completed, found to be in accordance with the ordinances and laws relating thereto, shall be so certified by the electrical inspector who shall issue a certificate of inspection to the owner containing a general description of the installation, the street number of the premises and the date of the final inspection, which shall authorize the connection with the electrical supply. It is unlawful to make such a connection until such a certificate of inspection shall have been issued. (Prior code §10.11(c)).

**16.24.250 Emergency work.** Any contractor doing or causing emergency work to be done shall report the same to the electrical inspector within one day after the beginning of the work. (Prior code §10.11(d)).

**16.24.260 Violations--Penalties.** Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$20.00 nor more than \$500.00, together with the costs of prosecution, and every day of violation constitutes a separate offense. On default of payment of such fine, any person so convicted shall be confined in the county jail of Eau Claire County for a term not to exceed thirty days, unless the fine and costs are sooner paid. (Ord. 5385 §8, 1994; Prior code §10.13).

## Chapter 16.26

### OUTDOOR LIGHTING

#### Sections:

#### **16.26.010 Purpose and intent.**

#### **16.26.020 General provisions.**

#### **16.26.030 Violations and penalties.**

**16.26.010 Purpose and intent.** A. The purpose of this ordinance is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; and help protect the natural environment from the effects of night lighting.

B. On the effective date of this ordinance, all new lighting shall conform to the provisions as stated herein and as found in the City of Eau Claire's "City Outdoor Lighting Regulations" brochure.

C. It is the intent of this ordinance that all existing outdoor lighting shall eventually conform. All outdoor lighting which is replaced must meet or exceed the requirements of this ordinance.

**16.26.020 General provisions.** A. Wattage per square foot maximums. All lighting installations are limited to the watts per square foot allowances for the given activity as stated in the 2006 International Energy Conservation Code and the American Society of Heating, Refrigerating, and Air Conditioning Engineers 2004 which is part of the State Energy Code. Standards may be amended from time to time.

B. Maximum pole heights. All lighting installed on poles shall not exceed 40 feet in height as measured from the grade level. Pole heights should be optimally chosen to the extent possible to provide effective lighting and not create off-site glare. Pole heights shall not exceed 25 feet in height when within or adjacent to a residential district.

C. Fixture type. All lighting installations shall be designed and installed to be fully shielded (full cut-off or recessed) mounted facing 90° to the horizontal plane, except as provided herein:

1. In residential zoned areas, or for properties adjacent to residential zoned areas, light shall be shielded such that the lamp element is not directly visible outside the perimeter of the property or from the adjacent residential property. Light glare shall be shielded from any street or public way.

D. Canopy lighting. Canopy lighting for service station pump islands or similar areas shall be fully recessed into the lower surface of the canopy and shall be fully shielded utilizing flat lenses.

E. Signage. Sign illumination is regulated by the Sign Code. All signs with reflected lighting shall be fully shielded if cast down or if cast up shielded in such a way to concentrate light only on the sign.

F. Exceptions. The following lighting is exempt from these standards:

1. Public roadway lighting, following best practices of the Illuminating Engineering Society of North America.

2. Lighting within swimming pools and other water features.

3. Exit signs and other illumination required by building codes.

4. Lighting for stairs and ramps, as required by the building code.

5. Holiday and temporary lighting (less than thirty days use in any one year).

6. Football, baseball, and other field lighting, but only with plan commission approval and recognizing that steps have been taken to minimize glare and light trespass and to utilize sensible curfews.

7. Low voltage pedestrian, landscape, and building lighting, but such lighting shall be shielded in such a way as to eliminate glare and light trespass.

8. Public monuments and national, corporate, and institutional flags.

9. Other situations as specified in adopted electrical codes.



**16.26.030 Violations and penalties.** A. Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be punished by a fine of not less than \$20.00 nor more than \$500.00, together with the costs of prosecution, and every day of violation constitutes a separate offense. On default of payment of such fine, any person so convicted shall be confined in the county jail of Eau Claire County for a term of not to exceed thirty days, unless the fine and costs are sooner paid. (Ord. 6893, 2009).

**Chapter 16.28****HEATING, VENTILATING, AND AIR CONDITIONING (HVAC) CODE\*****Sections:****I. ADMINISTRATION**

- 16.28.010 Title.
- 16.28.020 Purpose.
- 16.28.030 Scope.
- 16.28.040 Definitions.
- 16.28.050 Board of heating examiners--Created.
- 16.28.060 Board of heating examiners--Membership.
- 16.28.070 Board of heating examiners--Appointment.
- 16.28.080 Board of heating examiners--Term of office.
- 16.28.090 Board of heating examiners--Duties--Appeals.
- 16.28.100 Heating inspector--Created--Appointment.
- 16.28.110 Inspections--Qualifications--Duties.
- 16.28.120 Inspections--Procedures.
- 16.28.130 Power to deem unsafe.
- 16.28.140 Existing buildings--Unsafe orders.
- 16.28.150 Heating, ventilating, and air conditioning (HVAC) permit fees.

**II. GENERAL REGULATIONS**

- 16.28.160 State of Wisconsin codes adopted.
- 16.28.170 Gas pipe installations.
- 16.28.180 Prohibited connections.
- 16.28.190 Prohibited installations.
- 16.28.200 Enforcement.
- 16.28.210 Equipment testing--Required.
- 16.28.220 Equipment testing--Procedure.
- 16.28.230 Test for leaks.
- 16.28.240 Inspector--Right of entry.
- 16.28.250 Inspector--Disconnection orders.
- 16.28.260 Municipal liability.
- 16.28.270 Codes on file.
- 16.28.275 Standards for outdoor waterstoves.
- 16.28.280 Violations--Penalties.

**I. ADMINISTRATION**

**16.28.010 Title.** These regulations and standards shall be known as the "Heating, Ventilating, and Air Conditioning (HVAC) Code of the City of Eau Claire", hereinafter referred to as "this code." (Ord. 6165 §2, 2001; Ord. 5393, 1994).

**16.28.020 Purpose.** The purpose of this code is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the safe and stable design, installation, quality of materials, and maintenance of air conditioning and ventilating equipment and all accessories thereto installed or existing in all buildings and structures existing or built in the City of Eau Claire. (Ord. 5393, 1994).

**16.28.030 Scope.** This code shall include and apply to the installation, alterations, maintenance, conversion, replacement and inspection of all air conditioning and ventilating equipment, including cooling coils, solid fuel burning equipment, oil heating units, gas burners or gas equipment, or other forms of heating, ventilating, and air conditioning equipment and new mechanical work (i.e., ductwork, hydronic piping, etc.) or additions and alterations to existing systems. The provisions of this code or one of the adopted codes having jurisdiction shall apply to the above installations. (Ord. 6165 §3, 2001; Ord. 5393, 1994).

**16.28.040 Definitions.** Definitions contained in COMM Chapters 20 and 51 are hereby adopted by reference, along with the following definitions:

- A. "Board" means the board of heating examiners and appeals.
- B. "Building official" means the officer charged with the administration and enforcement of this code, or a duly authorized representative.
- C. "Gas" means all forms of gaseous petroleum products, including natural gas, propane, and butane, whether or not mixed with air.
- D. "Liquid" means a substance that, unlike a solid, flows readily, but, unlike a gas, does not expand indefinitely.
- E. "Solid" means a substance neither liquid nor gas but having length, breadth, and thickness.
- F. "Inspector" means the heating inspector of the city or designee.
- G. "Hazardous occupancy" shall be those coming under the scope of COMM Chapter 59, Wisconsin Administrative Code.
- H. "HVAC" shall mean heating, ventilating, and air conditioning.
- I. "Outdoor waterstove" means any individual hand-fed furnace designed to burn wood and used for the purpose of heating water where the furnace is located outside the structure into which the hot water produced thereby is piped. (Ord. 6483 §2, 2004; Ord. 6165 §4, 2001; Ord. 5393, 1994).

**16.28.050 Board of heating examiners--Created.** There is created a board of heating examiners and appeals, whose duties are hereinafter enumerated. (Ord. 5393, 1994).

**16.28.060 Board of heating examiners--Membership.** A. Such board shall consist of seven members, five with voting rights and two in an advisory capacity. The five members with voting rights shall be the following: Two shall be licensed warm air heat heating contractors; two shall be licensed wet heat heating contractors; and the city fire chief. Should the occasion arise when there are not two licensed wet heat heating contractors available for service on the board, then in such event one or, if need be, two other persons otherwise reasonably qualified shall be appointed.

B. The two advisory members shall be the city heating inspector, who shall be an ex officio member, and a representative of the local gas utility nominated by the utility and approved by the city council. The heating inspector shall serve as secretary to the board. (Ord. 5393, 1994).

**16.28.070 Board of heating examiners--Appointment.** The four appointed members of the board shall be appointed by the city manager, approved by the city council. (Ord. 5393, 1994).

**16.28.080 Board of heating examiners--Term of office.** Initially, two of the appointive members of the board shall be appointed for a term of one year, and two shall be for a term of two years. Terms shall expire on the last day of June. Incumbents shall, however, hold over until their successors have been duly appointed and qualified. (Ord. 5393, 1994).

**16.28.090 Board of heating examiners--Duties--Appeals.** A. Examinations for licenses. The board shall examine and pass on all applications for licenses.

B. General duties. The board shall make such rules and prescribe such procedure as may be necessary for its operation in conformity with this chapter. A majority of the board shall constitute a quorum. Hearings or meetings of the board shall be held at a place in the city hall to be designated at the appropriate time by the inspector. Decisions of the board shall be concurred in by at least three members thereof. The board shall have authority to suspend or revoke any heating contractor's license granted under this chapter for violations as hereinafter stated and after due hearing as hereinafter specified, subject to review or appeal to the city council.

C. Appeals. The board shall also act as a heating appeals board. Any person directly interested, who is aggrieved by any decision of the heating inspector or by any requirement resulting from any enforcement of this chapter, may appeal from such decision to the board. The appeal shall be made by the person aggrieved upon service of a written notice of such appeal to the inspector, within forty-eight hours after the decision appealed from is made. Said appeals board shall meet within ten days after the service of such notice, and shall render its decision within five days thereafter. The aggrieved party may present his own case to the board, or may have the assistance of legal counsel. Appeal from determinations of the board made under this section shall be made to the administrative review board under the procedures specified in ch. 1.06. (Ord. 6572 §17, 2005; Ord. 5393, 1994).

**16.28.100 Heating inspector--Created--Appointment.** The office of heating inspector for the city is created. The inspector shall be appointed by the city manager. Upon request, when deemed to be necessary, the inspector may obtain the assistance of any of the other city inspectors. (Ord. 5393, 1994).

**16.28.110 Heating inspector--Qualifications--Duties.** A. The heating inspector shall have the necessary ability to supervise the installation, alteration, maintenance or replacement of all air conditioning and ventilation equipment in the city of Eau Claire.

B. The heating inspector shall be included within the surety bond covering city employees which is approved by the city council and which is conditioned upon the faithful performance of the duties of such employees.

C. The heating inspector shall have the general management and control of all matters pertaining to his or her office, subject to supervision and final approval of the administrator of inspection services, and shall enforce all state laws and city ordinances and lawful orders relating to the installation or alteration of all air conditioning and ventilation equipment.

D. The heating inspector shall have full power to pass upon any questions arising under the provisions of this chapter relating to heating, air conditioning, or ventilation installations or equipment, subject to conditions contained in this chapter. In case of dispute of anything pertaining to this code, the heating inspector shall first ask for the assistance of the administrator of inspection services. If the matter cannot be resolved, the inspection office shall have the privilege to ask for the assistance of a professional mechanical engineer.

E. The inspector shall examine, and approve when correct, all plans and specifications for the performance of any work governed by this chapter; point out in what respect such plans or specifications are deficient or in violation thereof; inspect work in the area for which permit is required, and see that all such work is performed in accordance with the provisions thereof; stop any work being done in violation thereof, and post "stop work" signs in such cases; order any such work removed or corrected to conform with this chapter; issue certificates of approval on satisfactory completion of projects; provided, however, that no "stop work" order so posted shall affect work not governed by this chapter except where the progress of any such work would interfere with inspection of work governed by this chapter. The inspector shall, by permission of the owner or occupant, or by due process of law consistent with the provisions of Wisconsin Statutes, s. 66.0119, enter during reasonable hours any building or premises to make an inspection of air conditioning equipment and to require the production of a heating permit where he has reasonable cause to believe work is being done or has been performed in violation of this chapter. No person shall refuse to permit such entry in the case of an emergency, or in any other case after a valid special inspection warrant has been duly issued therefor under Wisconsin Statute ss. 66.122 and 66.123, nor shall any person interfere with said inspector in the performance of his or her duties. (Ord. 6165 §5, 2001; Ord. 5393, 1994).

**16.28.120 Inspections--Procedure.** In any new or existing building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor or homeowner shall notify the inspector, giving the location of the work, said portions of the installations ready for inspection, and it shall be unlawful for any person, firm or corporation to apply wall or ceiling coverings or cover up any heating work, including piping, outlet boxes or other parts of the mechanical equipment or system, before such work has been inspected and due notice has been given that the work has been approved. The inspector shall have the right and authority to order the removal of all such coverings which may have been placed over such work before same has been inspected. The inspector shall make

inspection within two working days after notice, excepting Sundays and holidays. Final inspection on new installations shall be made upon completion of such work. Inspection of replacement or conversion work shall be made upon completion of such work. Upon inspection or reinspection of a mechanical system, any defects or code violations which require repair to assure safe operation shall be rectified before the system is placed in use. (Ord. 6483 §2, 2004; Ord. 5393, 1994).

**16.28.130 Power to deem unsafe.** A system or any part thereof that is found to be unsafe to life or property, shall be deemed unsafe and shall not be restored to use until such system has been made safe and approved. (Ord. 5393, 1994).

**16.28.140 Existing buildings--Unsafe orders.** All existing mechanical equipment and systems shall be maintained and operated in accordance with the requirements of this code. Any such equipment which does not comply with the requirements, and the operation of which is deemed unsafe to the building occupants, shall be altered as ordered by the heating inspector to secure adequate safety. (Ord. 5393, 1994).

**16.28.150 Heating, ventilating, and air conditioning (HVAC) permit fees.** A. No installation, conversion, alteration, or replacement of air conditioning and ventilating equipment, including cooling units, solid fuel burning equipment, oil heating units, gas burners or gas equipment, other forms of heating and ventilation equipment and new mechanical work, (i.e., ductwork, hydronic piping, etc.) or additions and alterations to existing or the installation of miscellaneous gas and oil equipment or gas piping, shall be made or commenced without first obtaining a permit therefor from the inspector.

B. Application for an HVAC permit shall be made in writing upon a blank form furnished by the heating inspector stating the name and address of the owner of the building, the owner of the land upon which it is to be erected, the name and address of the architect or designer, shall describe the location of the building and purpose for which it is to be used, and shall contain such other information as the heating inspector may require. The inspector may also require submittal of a complete set of plans and specifications covering the proposed mechanical system or improvements.

C. The fees for such mechanical permits shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

D. The fees imposed under subsection B. of this section shall be doubled if work hereunder is commenced prior to the issuance of a permit.

E. A mechanical permit shall have lapsed and be void unless work authorized by such permit is commenced within six months from the date of issuance thereof. Permits may be renewed at a fee as stated in the City of Eau Claire Fees and Licenses Schedule within six months from the date of lapse. A permit shall expire if work on a project is ceased for a period of twelve months or if thirty-six months has elapsed since permit issuance. Expired permits may be reissued at the regular permit fee. All code and ordinance requirements in effect at the time of renewal or reissuance shall apply to the project. (Ord. 6363 §36, 2002; Ord. 6242 §1, 2001; Ord. 6165 §6, 2001; Ord. 5393, 1994).

## II. GENERAL REGULATIONS

**16.28.160 State of Wisconsin codes adopted.** The below listed codes are adopted by reference, the content thereof to be administered and enforced in conjunction with this code by the inspection services division, department of community development.

A. Minimum standards -- One- and two-family dwellings and accessory buildings. All heating, ventilating and air conditioning equipment and systems shall be installed and maintained so as to be in conformity with the minimum standards established by COMM Chapters 22 and 23 of the Wisconsin Administrative Code.

B. Minimum standards -- Multi-family dwellings, public buildings and places of employment, and accessory buildings thereto, governed by the provisions of COMM chapters 61-65 and 66 of the Wisconsin Administrative Code. All heating, ventilating and air conditioning equipment and systems shall be installed and maintained so as to be in conformity with the minimum standards established by COMM Chapters 63 and 64 of the Wisconsin Administrative Code.

C. The following requirements shall apply to all buildings in the City and shall take precedence over the above adopted codes. (Ord. 6483 §2, 2004; Ord. 6165 §7, 2001; Ord. 5393, 1994).

**16.28.170 Gas pipe installations.** Gas piping shall conform to the standards set forth in the most recent edition of the "National Fuel Gas Code", designated as both ANSI Z223.1 and NFPA 54, as adopted by COMM Sections 23.16(3) and 64.23(5), Wisconsin Administrative Code. In addition to such standards, all gas piping shall meet all of the following minimum standards:

A. All exposed gas piping shall be labeled with a label clearly showing its use every 6 feet, and on each side of a wall or floor assembly;

B. Copper tubing shall not be used in a hazardous occupancy;

C. Gas piping shall only be installed by licensed contractors and their employees, or, within a single-family residence, such piping may be installed by the owner occupying or intending to occupy the residence; and

D. All gas piping three inch (3") size and larger shall be welded. All gas piping two inch (2") size and larger carrying gas at pressures of more than 3 PSI shall be welded. (Ord. 6165 §8, 2001; Ord. 5393, 1994).

**16.28.180 Prohibited connections.** It is unlawful for any person, firm or corporation, excepting an authorized representative of the gas supplier, to connect gas service to any premises where and when gas service (gas flow) is not at the time being rendered. Note: This provision applies to the premises and not to the connection and reconnection of particular equipment and appliances on the premises. In the latter cases regulation is provided for the heating code. (Ord. 5393, 1994).

**16.28.190 Prohibited installations.** It is unlawful for any person, firm or corporation to install any gas equipment or appliance for heating purposes without first determining from the gas supplier that gas is available in quantities that will assure reasonably safe and uninterrupted operation. (Ord. 5393, 1994).

**16.28.200 Enforcement.** The inspector is authorized to order disconnection by a licensed contractor of any gas equipment, appliance, accessory or gas piping which does not conform to the requirements of this chapter or which may be found defective and/or in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such equipment, appliance, accessory or gas piping which shall state that it has been disconnected and the reason therefor, and such notice shall not be removed nor shall the equipment, appliance, accessory or gas piping be reconnected until it has been made to conform with the requirements of this chapter, and its reconnection has been authorized by the inspector. (Ord. 5393, 1994).

**16.28.210 Equipment testing--Required.** It is unlawful for any person, firm or corporation to place into operation any gas equipment installed or replaced until the installation has been tested as hereinafter prescribed. (Ord. 5393, 1994).

**16.28.220 Equipment testing--Procedure.** A. Upon completion of an installation or replacement, the heating contractor under whose license the work was performed, or the agent or employee of such contractor, or the home owner performing such work, shall notify the inspector that the installation is ready for inspection. The installation shall then be tested for leaks in accordance with s. 16.28.230. The inspector may require that a qualified representative of the city building inspections services division be present at the time of the test.

B. Following the testing, the installation shall be certified as satisfactory by the installer upon forms furnished by the gas supplier. Such forms shall be made in quadruplicate. One copy shall be given to the following: the gas supplier, the inspection services division, the customer, and the contractor.

C. The gas supply may then be turned on either by the authorized personnel of the utility supplying the gas or the licensed heating contractor under whose license the work was performed (or the employees of such contractor) if authorized to do so by the utility. (Ord. 6165 §9, 2001; Ord. 5393, 1994).

**16.28.230 Test for leaks.** A. The test for leaks in residences shall consist of a pressure test of not less than twenty pounds air pressure per square inch sustained for not less than ten minutes during and at the end of which time no drop in pressure shall have been detected.

B. In commercial and industrial uses, the testing pressure shall be not less than one and one-half times the maximum operating pressure of the gas supply lines. (Ord. 5393, 1994).

**16.28.240 Inspector--Right of entry.** The inspector is authorized and directed to cause inspections to be made of all consumer gas installations. Upon presentation of proper credentials, the inspector may enter any consumer's building or premises at any reasonable time for the purpose of making inspection or preventing violations of this chapter. (Ord. 5393, 1994).

**16.28.250 Inspector--Disconnection orders.** The heating inspector is granted the authority to order the disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this chapter or which may be found to be defective or in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping which shall state that disconnection has been effected and the reasons therefor, and such notice shall not be removed nor shall the appliance, accessory or gas piping be reconnected until all provisions of this chapter have been complied with and its reconnection authorized by the heating inspector. (Ord. 5393, 1994).

**16.28.260 Municipal liability.** This chapter shall not be construed to relieve from or lessen the responsibility or liability of any person supplying gas to, or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any gas equipment, for damages to persons or property caused by any defect therein or therefrom; nor shall the city be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or reinspection authorized by this chapter, or by reason of the approval or disapproval of any gas equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this chapter. Nor shall the city be held liable for any damages resulting from the enforcement of this chapter. (Ord. 5393, 1994).

**16.28.270 Codes on file.** Copies of:

- A. American Standards Association Manual entitled, "National Fuel Gas Code";
- B. American Standards Association Manual entitled, "Requirements for Installation of Gas Equipment in Large Boilers," 1950 edition;
- C. National Warm Air Heating Code for 1959, Fifth Edition;
- D. American Standards Association Manual entitled, "Installation of Domestic Gas Conversion Burners," 1958 edition, and
- E. "Code for the Installation of Heat Producing Appliances, Heating, Ventilating, Air Conditioning, Blower and Exhaust Systems - December, 1976," recommended by The American Insurance Association, referred to in this chapter, are on file in the office of the heating inspector, are incorporated herein by reference, and are open to the public for inspection and examination. (Ord. 6165 §10, 2001; Ord. 5393, 1994).

**16.28.275 Standards for outdoor waterstoves.** A. Design.

1. The outdoor waterstove shall be constructed with self-contained weather-proofing with no additional structure enclosing the fired unit.

2. The outdoor waterstove shall be listed by a nationally recognized testing laboratory acceptable to the Department of Commerce.

3. The outdoor waterstove shall be designed for operation at atmospheric pressure and be properly vented to prevent a positive pressure condition.

B. Code compliance. The outdoor waterstove and all parts accessory to it, including, but not limited to pressure safety controls, shall be installed to meet all applicable mechanical codes and the manufacturer's listing. All electrical wiring serving an outdoor waterstove shall be installed in accordance with Wisconsin Electrical Code.

C. Permit. A heating permit is required prior to installation per s. 16.28.150. A site plan indicating the outdoor waterstove's location on the property and information to determine compliance with applicable standards and codes shall be filed with the permit application. Plans and calculations showing structural adequacy, as required in subsection D. 2., shall be filed with the permit application, unless waived by the heating inspector. The installation shall be inspected by the heating inspector for compliance with all applicable standards and approved plans before it is placed in operation.

D. Requirements. 1. The outdoor waterstove shall have an attached permanent stack extending at least 3 feet higher than the highest portion of the roofline of any building regularly occupied by people and having any door, openable window, or air intake vent located closer than 50 feet from the outdoor waterstove. Regularly occupied by people shall mean used in whole or in part as a place of assemblage, lodging, trade, occupancy, or use by persons.

2. All stacks and chimneys shall be designed, constructed, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot and also in accordance with the manufacturer's listing.

3. The outdoor waterstove shall be located at least 100 feet from any property line adjoining any developable lot and 150 feet from any door, openable window, or air intake vent of a building regularly occupied by people other than the building(s) served by the outdoor waterstove.

4. The outdoor waterstove shall not be located in any front yard or corner side yard.

5. The outdoor waterstove shall be enclosed by fencing or other barrier to prevent access by unauthorized persons.

E. Public nuisance. Dense smoke, noxious fumes, gas and soot, cinders, or live sparks produced by an outdoor waterstove that interfere substantially with the comfortable enjoyment of life, health, or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.

F. Disconnection or removal. If an outdoor waterstove or any part thereof is deemed unsafe under s.16.28.130 or is in violation of this chapter, the heating inspector may order that the outdoor waterstove be permanently disconnected or removed.

G. Repairs. Repairs to the outdoor waterstove shall be made in accordance with the manufacturer's recommendations. (Ord. 6483 §2, 2004).

**16.28.280 Violations--Penalties.** Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be punished by a forfeiture of not less than \$20.00 nor more than \$500.00, together with the costs of prosecution, and every day of violation shall constitute a separate offense. On default of payment of such forfeiture, any person so convicted shall be confined in the county jail of Eau Claire County for a term not to exceed thirty days, unless the forfeiture and costs are sooner paid. (Ord. 5393, 1994).

## **Chapter 16.32**

### **FIRE PREVENTION CODE\***

#### **Sections:**

- 16.32.010 State fire prevention code adopted.**
- 16.32.015 Burning conditions.**
- 16.32.020 Bureau of fire prevention.**
- 16.32.030 Definitions.**
- 16.32.035 Frequency of inspections.**
- 16.32.040 Temporary inspectors.**
- 16.32.050 Smoke detectors.**
- 16.32.055 Storage tanks.**
- 16.32.060 Violations--Penalty.**

\* For provisions of general charter law regarding city fire departments, see WSA 62.13.



**16.32.010 State fire prevention code adopted.** A. The provisions of the Wisconsin Administrative Code of the Department of Commerce, Chapter Comm 14, are adopted by reference, and the rules and regulations contained therein are made a part of this chapter as if they were fully set forth herein. Any act required to be performed or prohibited by the Administrative Code provisions incorporated herein by reference is required or prohibited by this chapter. A current copy of the Wisconsin Administrative Code containing the sections herein enumerated and all amendments thereto shall be kept on file in the office of the fire department administration. Any amendments to this chapter shall be adopted by reference as if they were fully set forth herein.

B. If any provisions, herein adopted by reference, are in conflict with or contravene each other, or are in conflict with or inconsistent with any provision of this chapter, the strictest provision shall be applied. (Ord. 5904, 1998; Ord. 4989, 1989; Ord. 4947, 1989; Ord. 4268 §1, 1982).

**16.32.015 Burning permits.** A. It shall be unlawful for any person, firm or corporation to kindle or maintain an outdoor fire without first obtaining a permit from the fire department. Such permit shall be subject to the rules and conditions adopted by the department governing outside burning.

B. The following outside burning shall be allowed without a permit, but shall be subject to restriction by the department at any time:

1. Outdoor cooking.
2. Training for fire departments.
3. Campfires, to include an outdoor open fire that is kindled and maintained within a noncombustible receptacle made and designed for such purpose if the fire is contained entirely within the receptacle and does not pose a threat to health, safety and welfare. Under no circumstances will such receptacle be used to burn plastics, trash, garbage or other products that might produce noxious fumes. (Ord. 6020, 2000; Ord. 5104, 1990; Ord. 4619 §1, 1986).

**16.32.020 Bureau of fire prevention.** A bureau of fire prevention in the fire department is established which shall be operated under the supervision of the chief of the fire department. (Ord. 4099 §2, 1980).

**16.32.030 Definitions.** A. "The chief of the bureau of fire prevention" shall be construed to mean chief of the fire department.

B. "Chief of the fire department" shall be construed to mean and include any officer, member or inspector of the fire department who shall have been deputized, delegated, appointed or ordered by the chief of the fire department to act for him. (Prior code §3.22(c), (d)).

**16.32.035 Frequency of inspections.** Pursuant to Wisconsin Administrative Code Chapter Comm 14.01(11)(b)(6), the chief of the fire department is authorized to reduce the frequency of fire inspections required under Wisconsin Administrative Code Chapter Comm 14.01(11)(b)(5) to at least once per calendar year, provided the interval between those inspections does not exceed 15 months. (Ord. 6839, 2008).

**16.32.040 Temporary inspectors.** The chief of the fire department may detail such other member of the fire department and any other inspectors in the employment of the city as inspectors as shall from time to time be necessary. (Prior code §3.22(e)).

**16.32.050 Smoke detectors.** A. Scope. The requirements of this chapter shall apply to all new and existing apartment buildings, roominghouses, hotels, motels, dormitories, convents, monasteries, children's homes, homes for the aged and infirm, row houses, convalescent homes, jails, dwellings containing three or more rental units, and other places of abode or detention.

B. Definitions. As used in this section:

1. "Place of abode" means a building or part of a building, such as an apartment building, roominghouse, hotel, dormitory or convent:
  - a. Occupied as a residence by three or more families living independently or occupied by two such families and used also for business purposes; or
  - b. Occupied for sleeping or lodging purposes by three or more persons not members of the same family.
2. "Place of detention" means a building or part of a building used as a place of abode wherein persons are forcibly confined.
3. "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Each individual room or suite of rooms in hotels or motels is considered a separate area.
4. "Smoke detector" means a device which detects particles or products of combustion other than heat, and as more specifically defined in ILHR 21.09(2). Smoke detectors required by this section shall be continuously powered by the house electrical service or by a supervised detection system. Common or public area detectors shall be interconnected so that activation of one detector will cause activation of all detectors or other audible devices.
5. "Unit" means a building or that part of a building which is intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.

C. Approval. A smoke detector required under this section shall be listed by Underwriters Laboratory or a nationally recognized testing agency.

D. Installation and Maintenance.

1. All smoke detectors required under this section shall be installed according to the directions and specifications of the manufacturer.
2. The owner shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.
3. Tenants shall be responsible for informing the owner, in writing, of any smoke detector malfunction.
4. The owner shall have five days upon receipt of written notice from the tenant to repair or replace the smoke detector.
5. Tenants shall acknowledge to the landlord that detectors in the rental property are in working order at the time of taking occupancy and annually thereafter.
6. No tenant or other person shall disconnect, disable or otherwise render inoperative a functioning smoke detector installed pursuant to the provisions of this section.
7. The owner shall furnish to the tenant written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector maintenance.

E. Requirement.

1. The owner of any and all buildings within the scope of this chapter shall install and maintain a smoke detector at the head of every open stair and at the door leading to every enclosed stair on each floor level, including the basement, and in each sleeping area.
2. Effective: Owners of all buildings within the scope of this section shall have until July 1, 2000 to comply with this section except as required in pars. 3, 4 and 5 of this subsection.
3. The owner of a building within the scope of this chapter, including a hotel or motel within the provisions of par. 5 of this subsection, seeking a building permit for an addition or alteration to such building costing more than 25% of the assessed valuation of the building, shall be required to comply with the requirements of this section.
4. Buildings within the scope of this section that are newly constructed after July 1, 1991 shall comply with this section.
5. All rooms contained in any one- or two-story hotel or motel that exit directly to the outdoors shall be exempt from the provisions of this section, but shall be subject to the following provisions:
  - a. The owner of any such hotel or motel shall install and maintain a smoke detector at the head of every open stair and at the door leading to every enclosed stair on each floor level, including the basement, and in each sleeping area.

b. In this sub-paragraph:

i. "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Each individual room or suite of rooms in hotels or motels is considered a separate area.

ii. "Smoke detector" means a device which detects particles or products of combustion other than heat.

c. A smoke detector required under this sub-paragraph shall be listed by Underwriters Laboratory or a nationally recognized testing agency.

d. All smoke detectors required under this sub-paragraph shall be installed according to the directions and specifications of the manufacturer.

e. The owner shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.

6. The provisions of section 16.32.050 existing immediately prior to the enactment of this ordinance shall continue to be in full force and effect, as to the occupancies described in pars. 2, 3 or 4, until the applicable compliance date prescribed in such paragraph. (Ord. 5143, 1991; Ord. 4268 §1, 1982; Ord. 4099 §3, 1980).

**16.32.055 Storage tanks.** A. Any person, firm or corporation removing any locally regulated storage tank governed by Wisconsin Administrative Code ILHR 10 shall first secure a permit from the Eau Claire fire department. The fee for such permit shall be as stated in the City of Eau Claire Fees and Licenses Schedule.

B. Any person, firm or corporation upgrading any storage tank governed by Wisconsin Administrative Code ILHR 10 shall first secure a permit from the Eau Claire fire department. The fee for such permit shall be as stated in the City of Eau Claire Fees and Licenses Schedule. (Ord. 6363 §36, 2002; Ord. 5334 §2, 1993; Ord. 5227, 1992; Ord. 5204, 1992).

**16.32.060 Violations--Penalty.** Any person who violates any of the provisions of sections 16.32.010 through 16.32.055 shall upon conviction pay a forfeiture of not less than 20 dollars nor more than 500 dollars, for each offense plus the costs of prosecution. Each day that a violation continues shall constitute a separate offense. (Ord. 5334 §3, 1993; Ord. 5155, 1991; Ord. 4628 §1, 1986; Ord. 4619 §2, 1986; Prior code §3.23).

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**Chapter 16.36**

**STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT**

**Sections:**

**16.36.040 Storm drainage.**

**16.36.080 Parking lot and driveway surfaces.**

**16.36.100 Penalty.**

**16.36.120 Drive apron width--nonresidential use.**

**16.36.040 Storm drainage.** A. Development on private lands, excluding the construction of one and two family detached dwelling units, shall be subject to on-site detention and runoff control of storm water if:

1. The development has a gross aggregate area of three acres or more; or  
2. The development on less than three acres has fifty percent or more of the area consisting of impervious surfaces; or

3. In the opinion of the City Engineer the runoff from the development will exceed the safe capacity of the existing drainage facilities, or cause undue ditch erosion, or increase water pollution by scour and transport of particles, or endanger the down-stream property.

B. Peak runoff shall be calculated using one or more of the following standard procedures:

1. Rational method;
2. Hydrology for small watersheds, SCS;
3. Wisconsin Administrative Code;
4. Other approved procedures.

C. Clear water wastes shall be as defined in Section H.62.12, Wisconsin Administrative Code.

D. The peak runoff rate after development shall not exceed predevelopment runoff peaks which would have resulted from the same three (3) year storm event occurring over the site. The City Engineer shall have the option of requiring designs based on a storm frequency of up to one hundred years.

E. Where on-site detention is used for runoff control, the detention facility shall safely contain and/or safely pass the runoff of a 100 year storm of any duration.

F. Plans and hydraulic computations for all structural or nonstructural measures or other protective devices to be constructed in connection with the proposed work shall be submitted and shall include:

1. Predevelopment runoff computation;  
2. Estimated rate of discharge in cubic feet per second at all structural or non-structural measures and at the point of discharge from the site location based upon a three (3) year frequency storm event;

3. The storm event frequency discharge rate in cubic feet per second upon which the design of plans for the site location is based;

4. Provisions to carry runoff to the nearest adequate outlet; and

5. If drainage easements are required, documentation of perpetual maintenance and control.

G. At the discretion of the City Engineer, the developer shall be required to prepare plans for reducing or detaining peak discharges. Such situations will be reviewed on a case-by-case basis. As referenced, the Wisconsin Department of Health and Social Services section of the Wisconsin Administrative Code shall form a part of this procedure.

H. Approval of plans and calculations shall be by the City Engineer. (Ord. 4456 §4, 1984; Ord. 4353, 1983).

**16.36.080 Parking lot and driveway surfaces.** A. Definitions: In this section, unless the context clearly requires otherwise:

1. "Drive apron" means the connection between a driveway and the traveled portion of the street, in the public right-of-way, including any sidewalk area abutting thereon.

2. "Driveway" means a surface maintained for motor vehicle access and parking, including those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.

3. "Improved surface" means a surface of bituminous paving over a base course, Portland cement concrete, brick or block designed for this use and laid over a sand base, an oiled base course, or crushed rock, which provides a stable, hard driving surface which resists rutting, is impervious to erosion, does not result in blowing dirt or dust and the ponding of water, and which eliminates the accumulation of dust, dirt and mud.

4. "Parking area" means a surface which is not a driveway or drive apron, connected to a driveway, upon which motor vehicles are parked.

B. The parking of any motor vehicle on any lot shall be on a driveway or parking area having an improved surface. The term "motor vehicle" means a vehicle which is self-propelled, except a snowmobile.

C. All driveways and parking areas shall be provided with an improved surface, which shall be constructed and maintained in accordance with the provisions of this chapter. All drive aprons shall be surfaced with concrete when the adjacent street is or has been improved with curb and gutter. These requirements shall be in effect from and after November 1, 1984 and shall apply to all existing or future driveways, parking areas and drive aprons; provided that driveways serving 1- and 2-family dwellings shall comply with such improved surface requirement on and after November 1, 1985 and parking areas larger than 15,000 square feet shall comply with such improved surface requirement on and after November 1, 1987.

D. A parking surface permit shall be obtained prior to construction of any driveway or parking area having 1500 square feet or more. For multi-family residential projects, a parking surface permit shall be obtained for any project which covers more than 10% of the lot area or 1500 square feet, whichever is less. Application for such permit shall be made to the department of community development on forms provided by the department, accompanied by plans of the proposed driveway and/or parking area surface and payment of the fee provided under Section 16.04.090 A; provided, that no plans shall be required for a driveway or parking area serving only a one- or two-family dwelling. Such plans shall show appropriate grades, location of driveways, topography, manner of controlling storm water drainage, materials to be used and method of surfacing, landscaping and screening, parking stall striping, and pattern of pedestrian and vehicular circulation. If the division finds that the parking surface will have an improved surface and will comply with all ordinances of the city, the administrator of the division shall issue a permit for construction.

E. No parking surface permit shall be required under subsection D. if the driveway or parking area has been approved in a site plan under section 18.30.

F. The provisions of subsection C. may be waived by the Plan Commission upon a finding that: An unimproved surface and the resultant rutting, erosion, blowing dirt or dust, or ponding of water, do not and will not result in a public nuisance or pose a potential danger to adjacent properties or the public right-of-way. (Ord. 6685 §1, 2006; Ord. 4647 §2, 1986; Ord. 4456 §5, 1984).

**16.36.100 Penalty.** Any person who violates any provision of this chapter shall, upon conviction thereof, forfeit not less than \$30.00 nor more than \$200.00 for each offense. Each day, or part thereof, during which any such violation continues shall be deemed to constitute a separate offense. (Ord. 4456 §6, 1984).

**16.36.120 Drive apron width--nonresidential use.** A. In this section:

1. "Drive apron" means the connection between a drive-way and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon.

B. A drive apron for access to any single parking space or to a parking lot shall not be less than 11 feet in width, nor more than 30 feet in width, measured at the inside edge of the sidewalk line or the street right-of-way line, and shall be so located as to minimize traffic hazard and congestion.

C. Provisions of subsection B. may be waived by the Plan Commission upon a finding that any one of the following conditions exist:

1. A wider driveway is needed for the turning movements of large trucks; or
2. A wider driveway is warranted by the volume of entering or exiting traffic; or
3. For other good reason directly related to traffic control and safety.

Driveways shall be no wider than necessary to safely accommodate entering and exiting traffic. Increasing driveway width shall not be used as a substitute for adequate site design. (Ord. 4647 §3, 1986; Ord. 4559 §2, 1984).

**Chapter 16.38**

**AIRPORT BUILDING AND CONSTRUCTION STANDARDS**

**Sections:**

**16.38.010 Purpose.**

**16.38.020 When required.**

**16.38.030 Procedure.**

**16.38.040 Submittal requirements.**

**16.38.050 Review criteria.**

**16.38.010 Purpose.** The purpose of these airport building and construction standards is:

A. To administer effectively all adopted city ordinances and standards with respect to construction and site development;

B. To provide that development is approved and constructed in accordance with the availability of public facilities;

C. To identify and resolve potential site planning problems prior to the preparation of final building and construction plans;

D. To provide clear and uniform site plan submittal and review procedures and requirements for the development of the airport;

E. To provide the plan commission with the relevant information required to evaluate proposed site plans effectively;

F. To encourage the compatibility of the design and building of new development with surrounding land use. (Ord. 6320, 2002).

**16.38.020 When required.** Site plans shall be submitted, reviewed and approved by the plan commission prior to the issuance of a building permit for any "new development" (as defined by section 18.45.020 of the city code) at the airport. For this chapter, airport is defined as the area identified as the Chippewa Valley Regional Airport within the airport master plan. (Ord. 6320, 2002).

**16.38.030 Procedure.** The procedure for site plan review under this chapter shall be the same as section 18.45.030 of the city code. (Ord. 6320, 2002).

**16.38.040 Submittal requirements.** The submittal requirements for site plan review under this chapter shall be the same as section 18.45.040 of the city code except for the commission shall render a decision within 45 days of the receipt of the application by the department. (Ord. 6320, 2002).

**16.38.050 Review criteria.** The review criteria for site plan review under this chapter shall be the same as section 18.45.050 of city code. (Ord. 6320, 2002).



