

BUILDING CODE

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SUBCHAPTER I – BUILDING CODE

16.01 GENERAL PROVISIONS.

(1) **Title.** This subchapter shall be known as the “Building Code of the

Village.” It may also be referred to in this section as “code”.

(2) **Intent.** This subchapter is adopted under the authority granted by Wis. Stats. §101.65. Its purpose is to:

(a) Provide certain minimum standards, provisions, and requirements of safe and stable design, methods of construction, and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and structures.

(b) Promote the general health, safety, and welfare of persons occupying or using such buildings as well as the general public.

(c) Maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(3) Scope and Application. The provisions of this code shall apply to all buildings and structures in the Village and shall specifically include; all new construction; all additions; alterations, remodeling, repairs, maintenance, moving, change of use and demolition of existing buildings; and all electrical, plumbing, mechanical, and heating, ventilating and air conditioning installations (HVAC); except as specifically exempt herein.

No work specified in this section shall be undertaken except in full compliance with the provisions of this code and all other applicable local, state, and federal regulations.

Projects not under state jurisdiction, petitions for variance and final appeals under Wis. Adm. Code SPS 320.19 and 20.21, respectively, shall be decided by the Zoning Board of Appeals. The Zoning Board of Appeals shall decide petitions for variance per Wis. Adm. Code SPS 320.19 (Intro) so that equivalency is maintained whenever possible.

(4) Abrogation and Greater Restrictions. This code is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances,

rules, regulations, or permits previously adopted or issued pursuant to laws. Wherever this code imposes greater restrictions, however, the provisions of this code shall govern.

(5) Relationship to Other Regulations. This code shall not affect violations of any other ordinance, code, or regulation committed prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed. The provisions of this code shall not be construed to prevent the enforcement of other ordinances or regulations of the Village or of the State of Wisconsin that prescribe standards other than those provided herein. In case of conflicts among such regulations, the most restrictive standards shall apply.

(6) Responsibility. This code shall be binding alike upon every owner of a building or structure and every person who is in charge of or is responsible for or who causes the design, construction, alteration, or repair of any building or structure or related electrical, plumbing, heating, ventilation, or air conditioning equipment in the Village.

(7) Workmanship. All work performed under the scope of this code involving the fabrication, preparation and installation of materials, shall be conducted, executed and completed in a workmanlike manner so as to secure the results intended by the regulations prescribed herein.

(8) Maintenance. All buildings and structures and all parts thereof shall be maintained in a safe condition, and all devices and safeguards that were required during the erection, alteration, addition, or repair of any building shall be maintained in good working order. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.

(9) Liability for Damages. This code shall not be construed as assuming any liability on the part of the Village for damages to anyone injured or for any property destroyed by a defect in any building or element.

16.02 ADOPTION OF CODES AND ORDINANCES.

(1) State Codes. The following State of Wisconsin codes and subsequent amendments and recodifications thereto are hereby adopted by reference and incorporated in this code as if fully set forth. Violations of the regulations hereby adopted shall be deemed a violation of this code and shall be subject to the enforcement and abatement procedures set forth in Section 16.13 of this code.

(a) Electrical Code SPS 316, Wis. Adm. Code.

(b) Uniform Dwelling Code, SPS 320-325, Wis. Adm. Code, excepting there from SPS 320.05 (1); 320.05 (3); 320.05 (4); 320.05 (5).

(c) Licenses, Certifications, and Registrations, SPS 305, Wis. Adm. Code.

(d) Smoke Detectors, 328, Wis. Adm. Code.

(e) Historical Building Code, SPS 370, Wis. Adm. Code.

(f) Plumbing Code, SPS381-387, Wis. Adm. Code.

(g) SPS 326, 327, 361-366 & 375-379, Wis. Adm. Code.

(h) Barrier-free design, American National Standards Institute (ANSI) handbook, A117.1.

(i) Wis. Stats. Ch. 101 & 145.

(2) Definitions. Inasmuch as they do not conflict with the provisions of this code or the state codes adopted in Section 16.02 (1), the definitions contained in Section 18.03 of the Village Zoning Ordinance are hereby adopted by reference and incorporated herein as if fully set forth. In

case of conflicts among such definitions, the most restrictive shall apply.

16.03 POWERS AND DUTIES OF THE BUILDING INSPECTOR.

(1) State Statute Reference. The Building Inspector shall be held to be the same officer referred to in the Wisconsin state statutes as “Building Inspector” and shall have the same powers and duties. The Building Inspector shall enforce the provisions of this code and all other applicable state laws and Village ordinances relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment; including electrical, plumbing and HVAC installations, except as otherwise specifically provided for in this code or by statutory requirement. The Building Inspector shall have full power to pass upon any question arising under the provisions of this code, subject to the conditions contained herein.

(2) Rule Making Authority. The Building Inspector shall have the power as necessary in the interest of public health, safety, and general welfare; to interpret and implement the provisions of this code to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions, except that such rules and regulations can not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of accepted practice involving public safety.

(3) Permits, Inspections, and Corrections Orders. The Building Inspector shall be responsible for the issuance of all permits required by this code and for the inspection of all work covered by such permits. The Building Inspector shall issue all noncompliance notices and correction orders necessary to ensure compliance with the provisions of this code

and the health, safety, and general welfare of the public.

(4) Grievances and Appeals. Any person aggrieved by any order, ruling, or decision of the Building Inspector may, within thirty (30) days thereafter, appeal such order, ruling or decision to the Suamico Zoning Board of Appeals. Administrative appeal procedures shall follow the provisions set forth in Section 18.98 (3) which are hereby adopted by reference and incorporated herein as if fully set forth.

(5) Record Keeping. The Building Inspector shall keep official records of applications received, permits, and certificates issued, fees collected, inspections completed, and notices and orders issued. Such records shall be retained for as long as the building or structure to which they relate remains in existence, unless otherwise provided for by separate regulations. At least monthly, the Building Inspector shall submit to the Board a written report and statement of operations covering the activities of the Building Inspection Department. Such report shall also be made available to all other interested parties and the general public upon request.

16.04 PERMITS.

(1) Required Permits. Except as provided in Section 16.04 (2), no person shall excavate for, erect or construct any building or structure or add to, enlarge, move, improve, alter, extend, convert, repair, remove or demolish any building or structure or cause the same to be done or commence any electrical, plumbing, mechanical, HVAC or other work covered by the scope of this code on any building or structure without first obtaining a permit from the Building Inspector.

(2) Exempt Work. The following work is exempt from the permit requirements specified in Section 16.04 (1). Notwithstanding permit requirements, however,

such work shall comply with all other applicable rules, standards and zoning regulations set forth in this code and the Village Municipal Code.

(a) Alterations and repairs required for the maintenance and upkeep of any building or structure which;

1. Does not exceed a labor and materials cost of two thousand dollars (\$2,000) per project.

2. Does not involve a change of building use.

3. Does not affect structural strength, fire safety, exits, or natural lighting.

4. Does not involve the replacement of heating, ventilating, cooling, or other major equipment.

(b) Residential accessory buildings and storage sheds less than one hundred (100) square feet in floor area.

(c) Fences.

(d) Temporary use structures as specified in 18.03 (Definitions) of the Village Zoning Ordinances.

(e) Buildings and structures not within the scope of this code.

(3) Required Street Frontage. No permit shall be issued for the construction of any building on any parcel of land which does not have the required frontage on or which does not abut a dedicated public street.

(4) Required Utilities and Improvements. No permit shall be issued for the construction of any building on any parcel of land until any required public utility services (water, sewer, electric, gas, etc.) have been installed to the property. No permit shall be issued until the abutting public street has been accepted by the Board as being completed for the purposes of issuing said permits.

(5) Required Elevations. No permit shall be issued for the construction of any building on any parcel of land which may be adversely affected by wetlands, navigable

streams, floodplains, drainage ways, or storm water facilities until all required elevations have been submitted, in USGS datum, and reviewed for compliance with the following standards:

(a) All residential dwellings and all commercial buildings shall have the lowest dwelling opening at a minimum of two feet (2') above any expected high water elevation of any floodplain, wetlands, drainage way, or storm water system.

(b) All accessory buildings shall have the lowest opening six inches (6") above any expected high water elevation of any floodplain, wetlands, drainage way, or storm water system.

(c) The Village may require the elevations to be established and certified by a registered land surveyor or professional engineer licensed in the State of Wisconsin.

(d) The permit applicant is responsible for any and all costs involved in obtaining the necessary elevations.

(6) Permit Applications. An application for a permit shall be submitted by the property owner or authorized agent and shall be made in writing upon a form furnished by the Building Inspector. All permit applications shall contain:

(a) The street address and parcel number of the land upon which the work is proposed.

(b) The name, mailing address, and phone number of the property owner.

(c) The name, mailing address, and phone number of the engineer, architect, designer, contractor or owner's agent responsible for the work.

(d) A general description and location of the proposed work.

(e) The proposed use and occupancy of all parts of the building or structure.

(f) Other information as required by law or by the Building Inspector.

(7) Required Plans. Complete sets of building plans as required, shall accompany

every permit application, along with a site plan and specifications when applicable. All plans submitted shall be legible, drawn to scale, fully dimensioned and shall contain sufficient information to determine compliance with this code and all other applicable codes and regulations. Plans prepared in accordance with the provisions of this code, shall bear the name of the architect, engineer, or designer who prepared them, and shall be of sufficient clarity to accurately describe the nature and character of all proposed work. Plans requiring review and approval by other Village departments, boards, or commissions, or state agencies shall be reviewed and stamped "Approved" or "Conditionally Approved" by such departments, boards, commissions, or agencies prior to submittal for permits.

(8) Waiver of Plans. The Building Inspector may waive the requirement for filing of plans or portions thereof when the proposed work is minor in nature, when filing of plans would not sufficiently describe the nature and character of the project, or when the work involved is adequately described on the permit application. A detailed written description of all work proposed may also be substituted for plans required in Section 16.04 (7), at the discretion of the Building Inspector.

(9) Amendment to Plans. Subject to the limitations described in Section 16.04 (10), amendments to a plan, application or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments shall be subject to the same review and approval procedures as the original plans, shall be deemed part of the original permit application, and shall be filed therewith.

(10) Time Limitations. A permit application for any proposed work shall be deemed to have been abandoned six (6)

months after the date of filing, except that the Building Inspector may grant one (1) or more extensions of time for an additional period not exceeding ninety (90) days.

(11) Plan Review and Permit

Issuance. The Building Inspector shall examine all permit applications, plans, and amendments thereto within a reasonable period of time after receiving all necessary information. If the work described on the application, plans and specifications substantially conforms to the provisions of this code and all other applicable codes, ordinances, rules, regulations, laws, and statutes of the Village and the State of Wisconsin, the Building Inspector shall, upon receipt of required permit fees, issue applicable permits for such work and shall sign, date, and stamp the plans “Conditionally Approved”.

One (1) set of approved plans and specifications shall be retained by the Building Inspector until the work authorized is completed. One (1) set shall be forwarded to the Village Assessor, and one (1) set shall be returned to the applicant who shall keep such plans and specifications available at the job site at all times until the work authorized thereby is completed. Such approved plans and specifications shall not be changed, altered, or modified in any respect that would involved any of the laws, ordinances, or administrative rules referred to in this code, or would involve the safety of the building or its occupants, except as specifically authorized by the Building Inspector.

(12) Permit Posting. Except as specifically authorized by the Building Inspector, every permit issued pursuant to Section 16.04 (11), shall be posted or displayed in a conspicuous location at the job site prior to commencement of construction and shall remain posted until all work authorized by such permit is completed.

(13) Permit Expiration. Except as specifically regulated in the Uniform Dwelling Code SPS 320.09 (9), a permit issued pursuant to Section 16.04 (11), shall lapse and be void six (6) months from the date of issuance if construction authorized by the permit has not commenced, and no such permit shall be valid for a period longer than twenty-four (24) months from the date of issuance, except where an application to renew the permit is approved by the Building Inspector and additional permit fees are paid in accordance with Section 16.04 (16) of this code.

(14) Permit to Start Construction.

The Building Inspector may issue a “Permit to Start Construction” authorizing specific work to commence prior to submittal of complete plans and specifications for a building or structure and prior to issuance of permits required by Section 16.04 (1). An applicant for a “Permit to Start Construction” shall agree to proceed with site development, excavation, footing and/or foundation work only and shall not continue beyond such point until plans and specifications have been reviewed and required permits have been issued as set forth in Section 16.04 (11). The applicant shall further agree to make any changes required after complete plans and specifications have been reviewed and to remove or replace any portion of the building or structure which is subsequently found to be in violation of any of the provisions of this code. The holder of a “Permit to Start Construction” shall proceed with work covered by such permit without assurance that approvals will be granted or required permits issued for the remainder of the building or structure.

(15) Permit Authority. The approval of plans and specifications or the issuance of a permit shall not be deemed or construed to be a permit for or approval of any violation of any of the provisions of this code. No

permit presuming to give authority to violate or fail to comply with this code shall be valid, except insofar as the work or use, which such permit, authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications, or execution of work, the Building Inspector shall require correction of such errors.

(16) Permit Fees. The following regulations shall apply to the establishment and collection of permit fees.

(a) Permit Fee Schedule. The Building Inspector shall recommend appropriate fees for all permits issued by the Building Inspection Department and such fees shall be approved from time to time by resolution of the Suamico Board. A complete list of all applicable permit fees shall be kept in the Building Inspection Department and shall be referred to as the "Permit Fee Schedule". The Permit Fee Schedule shall be considered a supplement to this code, may be amended from time to time, and shall be made available to the public during normal business hours.

(b) Payment of Permit Fees. The applicant prior to permit issuance shall pay required permit fees. The Building Inspector shall collect all permit fees, keep an accurate account of all fees collected, and shall turn all such permit fees over to the Treasurer on the day the permit is issued.

(c) Delinquent Permit Penalty. In the event any work is commenced or construction is started prior to approval or issuance of permits by the Building Inspector, applicable fees may, at the discretion of the Building Inspector, be doubled for such work.

(d) Waiver of Permit Fees. Permit fees shall be waived for projects involving or taking place on properties owned by the Village.

16.05 INSPECTIONS.

(1) Required Inspections. Buildings shall be inspected at such times and in such a manner as may be necessary to ensure compliance with the laws, codes, ordinances, rules, and orders applicable thereto, but in no case shall any electrical, plumbing, or HVAC installation be enclosed or any structural portion of any building or structure be covered or concealed prior to completion of required inspections and approval by the Building Inspector, except as specifically provided for in Section 16.05 (2). After the Building Inspector grants approval, no portion of any work covered by the inspection or included in such approval shall be altered or changed except as specifically authorized by the Building Inspector.

(2) Inspection Requests. The permit applicant or an authorized representative shall notify the Building Inspector after completion of each phase of construction and shall request all inspections as itemized in Section 16.05 (3) either orally or in writing. The Building Inspector shall make every reasonable attempt to complete all inspections in a timely manner. Work shall not proceed until required inspections have been completed and the Building Inspector has granted approval, except that construction may proceed if an inspection has not been performed within two (2) business days after proper notification has been given. The Building Inspector may also allow work to proceed when specific circumstances prevent him from completing an inspection within the allotted time period.

(3) Inspection Types. The following inspections shall be completed for all projects whenever applicable.

(a) Erosion Control Inspection. Erosion control measures shall be inspected after installation and concurrently with other required inspections throughout the construction period.

(b) *Building Sewer and Water Service Inspection.* The building sewer and water service lines shall be inspected during testing as set forth in Comm. 82.21 of the Department of Commerce Plumbing Code, and prior to being covered or concealed.

(c) *Drain Tile Inspection.* Below-grade drain tile systems shall be inspected after placement of tiles, washed stone, and sump pits but prior to backfilling (exterior tiles) or placement of basement slab floors (interior tiles).

(d) *Footing and Grade Beam Slab Inspection.* Footings and grade beam slabs shall be inspected after forms are set but prior to filling with concrete.

(e) *Foundation Inspection.* Foundations shall be inspected after forms have been removed and required insulations and waterproofing are in place, but prior to backfilling.

(f) *Rough Inspection.* General building construction and electrical, plumbing, and HVAC installations shall be inspected after all rough work is finished but before such work is covered or concealed.

(g) *Insulation and Energy Inspection.* Insulation and vapor barriers shall be inspected after installation is complete but prior to being covered or concealed.

(h) *Final Inspection.* A final inspection completed after all work included within the scope and application of this code is substantially complete but prior to the use or occupancy of the building or structure or portion thereof.

(4) Notification of Inspection Results. The Building Inspector shall inform the permit applicant and/or property owner of the results of all inspections conducted. Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site, a written inspection report mailed or e-mailed to the applicant and/or property owner, or verbal communication between the Building

Inspector and the applicant, property owner, an authorized representative or agent, or other responsible party.

(5) Right of Entry. The Building Inspector may, at all reasonable times in performance of his or her duties, enter upon any public or private premises and conduct inspections thereof to determine compliance with the provisions of this code. Any person who shall deny access to a premises by the Building Inspector or who shall interfere with the Building Inspector in the performance of his duties as specified in Section 16.03, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described in Section 16.13.

(6) Inspection Disclaimer. Inspection findings are intended to report conditions of noncompliance with code standards, which are readily apparent at the time of inspection. An inspection does not involve a detailed examination of the mechanical systems or the closed structure or non-structural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of the equipment or materials not specifically cited herein is expressed or implied.

16.06 CERTIFICATE OF OCCUPANCY.

(1) When Required. Except as specifically authorized by the Building Inspector, a Certificate of Occupancy is required prior to the occupancy or use of any building or structure or portion thereof hereafter erected, constructed, altered, enlarge, moved or converted from one (1) use to another.

(2) Notification. Upon project completion, the property owner or authorized agent shall contact the Building Inspector to request a final inspection and Certificate of Occupancy. Within five (5) days of the request, the Building Inspector

shall issue a Certificate of Occupancy or notify the applicant in writing of the reasons why such a certificate cannot be issued.

(3) Issuance. No Certificate of Occupancy shall be issued until construction is complete and the Building Inspector conducts a final inspection and verifies that the building or structure complies with provisions of this code and is in conformity with the plans and specifications upon which approvals were granted and permits were issued. Any Certificate of Occupancy issued in conflict with this section or any provision of this code shall be null and void.

(4) Temporary Occupancy. Prior to completion of a construction project and pending the issuance of a Certificate of Occupancy, the Building Inspector may grant approval for a temporary or partial use or occupancy of a building or premises for a period not to exceed six (6) months. Temporary or partial occupancy approval may only be granted if the building or structure is in substantial compliance with the provisions of this code and no reasonable threats to the health, safety, or welfare of the public exist. All construction shall be completed, required inspections conducted, and a Certificate of Occupancy issued in accordance with the above regulations prior to expiration of the temporary occupancy approval.

16.07 UNSAFE OR UNSIGHTLY BUILDINGS.

(1) Correction Orders. Whenever the Building Inspector finds any building or structure or any portion thereof within the Village to be in his judgement so old, dilapidated, poorly constructed, inadequately maintained, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, he or she shall order the owner of the property to raze and remove the building or structure or portion thereof,

or effect such repairs as are necessary to make it safe and sanitary in accordance with the regulations and procedures prescribed in Wis. Stats. §66.0413 (Razing of Buildings).

(2) Emergency Measures. 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. The expenses of such work may be recovered by the Village in an action against the property owner.

16.08 DEMOLITION OF BUILDINGS.

(1) Required Permits. A permit shall be obtained from the Building Inspector in accordance with the regulations set forth in Section 16.04 of this code prior to the razing or demolition of any building or structure in the Village.

(2) Site Protection. A fence or other approved barricade shall be provided as a means of protection around the site prior to demolition and shall remain in place during razing operations.

(3) Service Connections. Before a building or structure is demolished or removed, the property owner or agent shall notify all utility companies having service connections (water, sewer, gas, etc.) within the building or structure and all such connections and appurtenant equipment shall be removed, disconnected and/or sealed and plugged in a safe and approved manner.

(4) Site Restoration. Whenever a building or structure is razed or demolished hereunder; all trash, debris, and materials resulting from such demolition shall be removed from the property and properly disposed of; all basements and other excavations and depressions revealed by such demolition shall be filled to the general grade of the surrounding premises; and all remaining accessory buildings and concrete

or asphalt surfacing shall be demolished and/or removed, unless intended to be used in connection with the proposed future use of the property. All resulting vacant areas shall be properly graded and seeded or planted as required by the Building Inspector.

16.09 PRIVATE SWIMMING POOLS.

(1) Scope and Application. No person shall construct, install, enlarge, or alter any private swimming pool in the Village except in accordance with the regulations set forth in this section.

(2) Definition. The term “Swimming Pool,” when used in this code, shall mean any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below ground, in which water more than eighteen inches (18”) deep is contained, which is used primarily for the purpose of bathing or swimming and which is designed to be or will be left in place during seasons of non-use.

(3) Permits. Required permits shall be obtained from the Building Inspector in accordance with the regulations set forth in Section 16.04 of this code prior to the construction, installation, enlargement, or alteration of any private swimming pool in the Village.

(4) Required Plans. Each permit application shall be accompanied by plans showing; the proposed location of the swimming pool on the lot or parcel, including the distance to lot lines and existing buildings and structures; the location of any septic tank, drain field, sewer lines or water lines; pool dimensions and proposed water depth; type, height and location of proposed fences; and location of overhead and/or underground wiring and power lines relative to the proposed swimming pool.

(5) Permit Fees. Permit fees for private swimming pools shall be as set forth in Section 16.04 (16) of this code.

(6) Setback Regulations. All private swimming pools shall comply with the setback regulations set forth in Section 18.08 and Section 18.09 of the Suamico Zoning Ordinance and the water line of all private swimming pools shall be located at least ten feet (10’) from any building or structure. No private swimming pool shall be located closer than fifteen feet (15’) from any septic system. The minimum setback regulations set forth in this section shall not apply to hot tubs, spas, whirlpools, children’s portable wading pools, and similar recreational equipment.

(7) Fencing Regulations. Fencing complying with the following regulations shall protect private swimming pools:

(a) Fence Design. All private swimming pools not enclosed within a permanent building shall be completely enclosed by a fence, which is of sufficient strength to prevent access to the pool. Such fence shall not be less than four feet (4’) in height, shall be located no closer than three feet (3’) to the pool, and shall be so constructed as not to have voids, holes, or openings larger than four inches (4”) in one (1) dimension. Gates or doors in fences shall be so constructed as to be capable of being locked, and shall be closed and locked so as to prevent unlatching by persons outside the pool area at all times when the pool is not in actual use. The wall of a house or building facing a swimming pool may be incorporated as a portion of a required fence. A deck may be incorporated as a portion of a required fence provided the requirements of (a) above are incorporated into the design including any steps provided.

(b) Exceptions.

1. Fencing shall not be required if a structural cover, meeting the ASTM F1346-91 Safety Standard, is installed. Such

covers shall be in place whenever the pool is not in use and/or unsupervised by an adult.

2. An above ground pool with an above grade side wall height meeting the fencing requirements is considered complying if all ladders are removed or locked to prevent access.

(8) Lighting Regulations. If overhead flood or other artificial lighting is provided to illuminate a private swimming pool at night, such lighting shall be shielded to direct all such illumination on the immediate pool area only.

16.10 ELECTRICAL REGULATIONS.

(1) Electrical Work. For the purpose of this section the term “Electrical Work” shall mean any act associated with the installation, alteration, or maintenance of electrical wiring, equipment or devices, which ordinarily requires the use of tools.

(2) Contractor Qualifications. Only the following persons shall be permitted to engage in electrical work in the Village.

(a) Master Electricians. Any person holding a valid State of Wisconsin or City of Green Bay Master Electrician certification.

(b) Electrical Contractors. Any electrical contracting firm, at least one (1) full-time employee of which holds a valid State of Wisconsin Master Electrician certification.

(c) Homeowners. Any homeowner may personally perform electrical work in an owner-occupied single-family dwelling or accessory buildings, beyond the main building disconnect, upon proving his or her competency to comply with all rules and regulations as set forth in this code.

(3) Certificate of Compliance. No electrical service or installation shall be connected or energized by a power company until such service or installation is inspected for compliance with the provisions of this code and approved by the Building Inspector. Proof of compliance shall consist

of a certificate, signed by the Building Inspector, and forwarded to the company supplying the electric power.

(4) Authority to Disconnect Service. The Building Inspector may cause the immediate disconnection of electrical power or service to any defective equipment or system where he or she finds, in the exercise of his or her sound judgement, that the installation creates imminent danger to persons or property or where he finds that such electrical power may interfere with the work of the Fire Department in emergency situations. No person shall reconnect any electrical equipment or service so disconnected until necessary repairs or alterations are completed and the Building Inspector grants approval. The Building Inspector may also cause the discontinuance of electrical service to any premises to which he or she is denied access or entry as set forth in Section 16.05 (5) of this code.

16.11 PLUMBING REGULATIONS.

(1) Licensing. No person shall engage in any plumbing work in the Village unless licensed to do so in accordance with Wis. Stats. §145.06.

(2) Ground, Storm, and Clear Water. The following regulations shall apply to the collection, conveyance, and discharge of ground, storm, and clear water in the Village.

(a) Discharge. No person shall cause, allow, or permit any roof drain, surface drain, sub-soil drain, or drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collection, conducting, transporting, diverting, draining, or discharging ground, storm, or clear water from any part of any premises, to discharge into a sanitary sewer. All such ground, storm, and clear water drains shall discharge into a storm sewer, a dry well, an underground conduit leading to drainage

ditch, or onto the ground surface in such a manner as will not constitute a public nuisance as defined in Chapter 11. No ground, storm, or clear water discharged in accordance with this section shall be allowed or permitted to flow on or across any public street, sidewalk, or right-of-way between November 1 and April 15 of each year.

(b) *Building Drain Tiles.* Drain tiles or sub-soil drain piping shall be installed on each side of building foundation walls at the footing level to collect and convey ground water. All drain tiles and sub-soil drain piping shall be connected to a sump pit which shall discharge the ground water by sump pump or gravity means to the municipal storm sewer where such sewer is available in a street or public right-of-way adjacent to or abutting the lot or parcel of land. Where the property is not serviced by a municipal storm sewer system or where otherwise specifically approved by the Board, the sump pit shall be discharged in accordance with Section 16.11 (2) (a).

16.12 EROSION CONTROL. See Chapter 10, Stormwater Ordinance.

16.13 VIOLATIONS.

(1) **Unlawful Act.** It shall be unlawful for any person, firm, or corporation to erect or construct any building or structure whatever or add to, enlarge, move, improve, alter, extend, convert, repair, remove, demolish, use, or occupy any building, structure, or equipment covered by the scope of this code, or participate in any electrical, plumbing, mechanical, HVAC or other work, or cause, permit, or suffer the same to be done, in conflict with or in violation of the provisions of this code.

(2) **Noncompliance Notice.** The Building Inspector shall serve a notice of noncompliance on any person responsible for violating provisions of this code. Such

notice shall direct the discontinuance of the illegal action or condition and shall require the abatement of the violation. Any person who shall fail or neglect to comply with a lawful order of the Building Inspector shall be deemed guilty of a violation of this code.

(3) **Stop Work Orders.** If the Building Inspector finds at any time that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, he or she may order such work immediately stopped by issuing a written "Stop Work Order". Such order shall be posted in a conspicuous location at the job site or shall be served upon the property owner, the owner's agent, or the person responsible for the work. A Stop Work Order shall specify the nature of the violation and shall state the conditions under which work will be permitted to resume. Any person who shall continue to work in or about a building or structure after a Stop Work Order has been issued, except to complete such work as he or she is directed to perform to correct the violation or unsafe condition, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described herein.

(4) **Permit Suspension or Revocation.** The Building Inspector may suspend or revoke any approval or permit granted or issued under the authority of this code where he or she finds at any time that construction or development is not in compliance with the provisions of this code or applicable laws, orders, administrative rules, plans or specifications, and that the holder of the permit has refused to comply with such provisions after written correction orders have been issued to him or her. The Building Inspector may also suspend or revoke any approval or permit where he or she is denied access to a premises or where such permit is obtained through false statements or misrepresentation of facts in

the application or plans upon which the approval or permit is based. No construction activity shall take place on the job site after suspension or revocation of a permit, excepting such work as the Building Inspector shall order be completed as a condition precedent to the re-issuance of the permit or such work as the Building Inspector may authorize as reasonably necessary to protect the safety and health of the public and work already completed.

(5) Municipal Citations and Prosecution. In the event any person, firm, or corporation shall violate any provision of this code or fail to comply with a lawful order of the Building Inspector, the Village may issue a Municipal Court citation as set forth in Chapter 2, Chapter 25 and Section 18.99, and furthermore may request that the Village Attorney initiate appropriate proceedings at law or in equity to correct or abate such violation or require the termination or removal of the unlawful use of such building or structure in violation of the provisions of this code or in violation of the order issued pursuant thereto. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

(6) Injunctions and Restraining Orders. In addition to other enforcement actions authorized herein, the Village Attorney may, on behalf of the Village, pursue enforcement of any or all parts of this code by court action seeking an injunction or restraining order against the person responsible for the violation for the purpose of ordering that person to; restrain, correct, or remove the violation or refrain from any further execution of work; restrain or correct the erection, installation, or alteration of such building or structure; remove work in violation of the provisions of this code; and/or cease all occupation or use of the

building or structure or part thereof in violation of this code or in violation of the plans or specifications upon which an approval, permit, or certificate was issued.

SUBCHAPTER II – HOUSE/BUILDING NUMBERING

16.20 SYSTEM ESTABLISHED. There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the Village, and all houses and buildings shall be numbered in accordance with the provisions of this ordinance.

16.21 BASE LINES ESTABLISHED. Lineville Road, 1825, shall constitute the base line for numbering along all streets running north and south, and Bayside Road, 650, shall constitute the base line for numbering all streets running east and west.

16.22 CONSISTENCY WITH VILLAGE OF HOWARD. The numbering for each street and occupancy will begin off of base lines and for all intensive purposes and when possible will be consistent with the Village of Howard. The north and south base line will be Lineville Road on the south and 1825 will be the lowest north-south number. The east and west base line will be north-south line extending through Bayside Road. The east-west reference will be 650. To be consistent with the adjoining Village of Howard, there will be five hundred twenty-five (525) numbers per mile. The one (1) exception to the north-south base will be Velp Avenue because of the existing numbers south of Lineville Road. A one (1) will prefix the north-south base on Velp Avenue or the base number will be 11825. Every one quarter (1/4) mile from the section line will have approximately one hundred thirty (130) numbers (sixty-five (65) per side). Circle streets will be numbered based

on the direction of travel from entrance to exit from section lines.

16.23 ODD/EVEN NUMBER

ASSIGNMENTS. All lots and houses on the south and west side of all streets shall be numbered with odd numbers, and all lots and houses on the north and east side of all streets shall be numbered with even numbers, each commencing with the one hundred (100) assigned to that block. Circle streets will remain odd and even based on where they begin.

16.24 CORNER LOTS. All lots fronting on two (2) streets shall have an address assigned to the street less traveled as determined by the Building Inspection Department. The Building Inspector shall have the authority to change the street assignment based on the information submitted with the building permit. Duplexes shall have one (1) address on each of the streets.

16.25 BUILDINGS WITH SEPARATE

OCCUPANTS. Where any building has more than one (1) door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant. Buildings fronting on two (2) or more streets shall have a number fronting on the main entrance, unless other entrances serve other occupants.

16.26 RELATIVE NUMBERS. All streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.

16.27 FURNISHING/PLACEMENT OF NUMBERS.

(1) The Board has caused a survey to be made and there is hereby assigned to each house and building located on any street,

alley, highway, or avenue in the said Village its respective number under the uniform system provided for this ordinance, as shown on the map on record in the Village Hall, and made part of this ordinance.

(2) **New Construction.** Effective August 1, 1997, all new construction shall be required to display the house numbers as required in Sub. (4) or Sub. (5) below and the costs of said numbers and pole will be paid for as part of the building permit.

(3) **Existing Buildings.** By May 31, 1998, after the effective date of this ordinance, the Village shall place or cause to be placed for each existing house or building that exists prior to August 1, 1997, the number or numbers assigned under the uniform system provided for in this ordinance.

The original costs of such numbers and pole shall be paid for by Village tax and said numbers and pole shall be furnished by the Village. Subsequently applied for numbers and pole will be paid for as part of the building permit. Effective May 31, 1998, after placement of numbers and pole by the Village, it shall be the responsibility of the owner or occupant to maintain said numbers and pole at the owners or occupants expense.

(4) **Requirements.** Each individual number shall be a minimum of two inches (2") by three inches (3") in size. The numbers must be numerals and not script. The owner or occupant shall at all times keep the numbers in a readable condition.

(a) *Non-Sewered Districts.* The numbers of such building shall be conspicuously displayed on a Village approved plaque and an appropriate post, out to the sidewalk or roadway so as to be easily discernible and readable and can be seen from the street plainly, with the sign no less than five feet (5') nor more than eight feet (8') above the ground. Placement must be within the area of where the road

right-of-way meets the property line within ten feet (10') of driveway entrance on the same side of the roadway that the building exists. Corner lots will have the post on the street that the address is assigned, per Section 16.24 and within ten feet (10') of the centerline of the home.

(b) *Sewered Districts.* The numbers of such building shall be conspicuously displayed on the building (corner lots must face assigned roadway) if said building is no further than fifty feet (50') from the roadway so as to be easily discernible and readable and can be seen from the street plainly, of a contrasting color to their background, and placed immediately above the garage door, at the side of the main entrance door or other appropriate location as approved by the Village with the sign no less than five feet (5') above the ground. If said building is more than fifty feet (50') from the roadway or if placement on building does not meet the requirements of being easily discernible and readable from the roadway, said numbers must be displayed on a pole as outlined in Section 16.27(4)(a).

(5) **Shared Driveways.** If two (2) or more buildings with separate house numbers exist that share the same entrance or driveway, the numbers shall, if practical, be displayed on a single pole according to the requirements of Sub. (4). In addition, each separate building having a house number shall also be required to display the house numbers meeting the same requirements of Sub. (4) for each individual driveway that runs off the shared driveway.

(6) **Installation.** The Village or its agent will be responsible for the placing and installation of said numbers and pole.

(7) **Exceptions.** The Building Inspector may grant an exception to the pole requirement if he or she believes it is not feasible or practical to place the numbers on a pole.

16.28 SUFFIX PERMITTED. Where only one (1) number can be assigned to any house or building the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper or lower portion of any such house or building, or for any part of such house or building fronting on any street, may use the suffix "A", "B", "C", etc. as may be required.

16.29 DUTY TO PARTY APPLYING. It shall be the duty of the Building Inspection Department or its designee to inform any party applying therefore, of the number or numbers belonging to and within the limits of said lot or property as provided in this ordinance. In case of doubt as to the proper number to be assigned to any lot or building, the Building Inspection Department or its designee shall determine the number of each lot or building.

16.30 DUTY OF OWNER. Whenever any house, building, or structure is to be erected or located in said Village, it shall be the duty of the owner to procure the number so assigned upon said building as provided by this ordinance. No building permit shall be issued for any house, building, or structure until the owner has procured from the Building Inspection Department or its designee the official number of the premises.

SUBCHAPTER III – DESIGN REVIEW STANDARDS

16.35 DESIGN REVIEW STANDARDS FOR COMMERCIAL, MULTIFAMILY, AND INDUSTRIAL DEVELOPMENT.

(1) Design Review Authority.

(a) The Village Design Review Standards are adopted pursuant to the authorization contained in Wis. Stat. §61.35, §62.23, and §61.34.

(b) The review duties included in this ordinance are delegated by the Suamico Board to the Design Review Committee.

(2) Statement of Intent.

(a) To encourage growth and development which is consistent with maintaining rural design character and protects and enhances the Village's rural appeal for citizen and visitor use and enjoyment and protect against development which uses standard urban and suburban design approaches.

(b) To implement the goals and policies of the Comprehensive Land Use Plan. To safeguard property values, protect public and private investments and promote high-quality commercial, multifamily, and industrial development which is consistent with rural character.

(c) To safeguard property values, protect the public and private investments and promote high-quality commercial, multifamily, and industrial development which is consistent with rural character.

(d) To develop and apply Design Review Standards which do not overly restrict innovation and variety, but are intended to facilitate and assist in focusing on design practices which result in development which sustain a positive rural design character.

(e) To protect against the problem of highway strip commercial development and to encourage well-designed highway clustered commercial development.

(f) To have a minimum number of prescriptive standards and a maximum number of performance standards to allow flexibility in maintaining or enhancing rural character with new development.

1. Performance Standards. Encourage flexibility and innovation of design in which more than one (1) solution is acceptable. The proposals, however, must meet the range of positive photo examples, performance strategy for natural and cultural

resources and the criteria listed for each of the relevant Design Review Standards.

2. Prescriptive Standards. Dictate a specific type of design condition which is a requirement that is deemed necessary to meet rural character.

(g) To encourage landscape design which compliments the natural landscape, improves the general appearance of the Village and utilizes locally native plant species.

(h) To protect adjacent landowners from adverse or inappropriate aesthetic impact problems of new development which is not consistent with rural design character.

(i) To establish a formal review process, which includes appropriate criteria for design review related to new or remodeled buildings, site protection, landscaping and site development.

(j) To maintain the appearance of design approved developments throughout the entire life of the development.

(3) Applicability.

(a) The provisions of this ordinance are a furtherance of the land use and development controls of land in the Village.

(b) All new commercial, multifamily, and industrial development within the Village is subject to design review. New development includes one (1) or more of the following types of development; building, landscaping, signage, or parking areas. Landscaping is subject to design review when new buildings, exterior alterations, signage or parking is proposed. New development does not include landscaping for minor additions to existing landscaping.

(c) Design review approval is required prior to the issuance of a building permit for new commercial, multifamily, and industrial development or for exterior wall and roof alterations to existing commercial, multifamily, and industrial development not previously subject to design review.

(d) Design review approval is required for exterior wall and roof alterations to existing commercial, multifamily, and industrial development which had not previously been subject to design review. Painting and the replacement of roofing are not considered design alterations if earth tone colors are used.

(4) Design Review Standards.

(a) *Performance Strategy for Natural Resource Design Review.* Natural resources are significant in maintaining high quality aesthetic character for the Village. The Village's desired future condition for commercial, multifamily, and industrial development, is to locate and design new development which respects sensitive natural resources and places the development within or visually related to a forested or wetland setting in which the new development visually compliments the overall naturalness. This is contrasted by development which dominates the setting and appears inconsistent with Suamico's rural character.

(b) *Performance Strategy for Cultural Resource Design Review.* A range of development types (buildings/parking) is acceptable if they are sensitive to the Village's natural resources and contribute to the stated desirable living conditions- uncongested living; beauty, peace, and quiet; unspoiled rural atmosphere; lack of commercialism; a close friendly community feeling. There is not one (1) architectural style or overall historic setting which always needs to be met. However, the desired future condition for new development is to fit into the existing rural character through building design and the use of materials, colors, landscaping, and signage which compliment naturalness, open space, a clean appearance and maintain visual order.

In applying the standards and strategies, the applicant has the burden of showing that the proposed development contains the

necessary design qualities which will meet the Natural and Cultural Resource Strategies Design Standards while providing a sustainable positive rural character.

(5) Open Space/Natural Resources Design Standards. The intent of this section is to ensure that adequate open space and natural resources are incorporated into design solutions to provide an overall appearance of rural character.

(a) Where open space, natural resources, or topographic patterns contribute to the beauty and utility of the area, they shall be incorporated into the design of the new development.

(b) Minimum green space which is required to be maintained on a given parcel shall typically be thirty percent (30%). However, its location and quality in which the green space is incorporated into the design of the development may allow reduction of that to twenty-five percent (25%). Combining of areas/parcels will be considered in the overall green space provided they are under the same ownership and development is accruing on all parcels or in the same planned development overlay.

(c) To the extent possible, existing topographic grades will be incorporated into the design. However, when grading or contouring the site, the finished grades should appear naturally to the site and surrounding area, protect the natural resources and adjacent properties.

(d) Roadside trees are very important to the rural character of the community and shall be incorporated into the site plan if at all possible.

(e) Waterfront development needs to be especially sensitive to water quality and riparian vegetation management. The design emphasis needs to demonstrate the maximum protection of the natural shoreline along with transition area forest preservation. A minimum amount of impervious development, along with a

minimum level of lawn area, would best meet the environmental and aesthetic qualities of rural character.

(6) Existing Built Environment Design Standards. The intent is to maintain the existing built environment which respects the design review standards and use these examples to serve as a base from which appropriate design solutions are proposed for commercial, multifamily, and industrial development.

(a) Existing development can serve as a justification for new development only to the extent that the existing development meets the Design Review Standards.

(b) Existing development which does not meet the Design Review Standards is encouraged to make changes towards the approved standards. However, this ordinance does not require changes unless the existing development meets the conditions in Section 16.35 (3).

(7) Relationship of Building to Site Design Standards. The intent of this section is to incorporate into a site plan the design standards for commercial, multifamily, and industrial development. In particular, the site plan should integrate natural resources, buildings, parking, and landscaping into a functional and aesthetic solution which respects desired rural character.

(a) The areas of green space must be located to provide resource protection, transitions between adjacent sites and as a visual transition between the public roads and the building or parking lot.

(b) The arrangement of all functions, uses, and improvements must be designed to reflect positive rural characteristics.

(c) Where appropriate, the design solution should incorporate existing natural features such as forested areas, streams, wetlands, and topography.

(d) The size, shape, scale, and location of the structure(s) need to be architecturally compatible with the existing site features.

(e) Where appropriate, the site design needs to integrate the proposed landscaping/open space into the adjacent landscaping, open space or forested area.

(f) All mechanical equipment (HVAC, exhaust fans, etc.) shall be shielded from view by the use of fencing, landscaping, or possibly matching paint on roof top units. Other solutions may be considered.

(g) Place underground all newly installed utility services and service revisions necessitated by exterior alterations.

(h) Landscape buffers will be required between all commercial and residentially zoned properties. Buffers may consist of:

1. A twenty foot (20') wide area with a variety of evergreen and deciduous trees and shrubs.
2. A berm and fence with plantings.
3. A berm with hedge type plantings.
4. Other solutions as determined appropriate by the committee.

(i) Parking areas need to be carefully designated to fit the site and with sensitivity to location, size, and perimeter screening. This is especially critical if the Village is to maintain rural character rather than an urban community appearance. The Committee will review parking area site design performance which includes the following:

1. In cases where quality forestland exists, existing trees are preserved between the parking area and the right-of-way.
2. The location of the parking areas relative to the public roads and buildings should be placed at the side or rear of the building and away from direct public view.
3. When options of side yard and rear yard parking do not exist, front yard parking (between the building and public road) will require an effective landscape setback which includes extensive landscaping.

4. Parking areas with ten (10) or more spaces will require perimeter landscaping to visually reduce the adverse parking area impacts.

(j) New developments with large parking space requirements will need to demonstrate that they will not provide an urban parking lot appearance. This will require design attention which locates the parking in the least visual impact area, includes extensive perimeter landscaping, interior plant islands, maintains existing vegetation where appropriate and incorporates several smaller parking areas to meet parking space requirements. Landscape islands shall be incorporated into all parking areas in excess of ten thousand (10,000) square feet. Required islands shall be a minimum of ten percent (10%) of total parking area.

(k) Trash receptacles shall be kept in enclosures constructed of the same materials as the main structure. Enclosures shall be large enough to conceal trash from view.

(8) Building Design Standards. The intent is to not restrict developments to a predetermined architectural style. However, for approval, new developments must meet the design standards by clearly demonstrating how the building design maintains or enhances rural character. The building design must avoid presenting an appearance of either monotonous similarity or excessive dissimilarity with appropriate existing structures. The building standards are intended to prevent these extremes.

(a) Architectural style is not restricted. However, extremes of style which do not fit rural character are to be avoided.

(b) Building architecture needs to compliment, rather than dominate the rural character setting of the Village, such as:

1. Wood, brick, stone, and other “natural” materials are strongly preferred.

2. Earth tone colors are strongly preferred and color accents must be visually compatible.

3. Roofs with darker earth tone colors are expected.

4. Buildings which maintain colors, style, and setting of an earlier era will be considered.

(c) All sides of a structure shall receive full design consideration. A facade unrelated to the rest of the building is not in keeping with acceptable design.

(d) All visually pitched roofs shall have a minimum of a six inch (6”) fascia.

(e) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters, and downspouts are to be recognized as architectural features and shall be treated to match the color of the adjacent surface or an approved complimentary color.

(f) The design must avoid a monolithic (“big box”) appearance of frontages and rooflines. The large “box” massing of such a structure must be diminished by breaking up building sections or by the use of such elements as variable planes, projections, bays, dormers, setbacks or changes in roofline.

(g) If the project is likely to become a Village landmark, or if it is in a visually prominent area or if it is located so as to become part of the Village’s gateway, the design must acknowledge the special impact the project would have on the entire community by addressing the design solution in an exemplary manner.

(h) The signage and lighting fixtures must be compatible with the architectural design.

(i) The clustering of smaller, visually compatible, commercial structures is desired over singular large structures.

(j) In very limited situations, smaller isolated retail buildings may contrast in color (i.e., white) or style (English Tudor) or

theme (“Christmas House”) with the more dominant rural character expectation. However, in these limited situations, the applicant must explain why these design expressions are essential to their business and demonstrate that the new development will:

1. Include a landscaped backdrop or become part of a rural setting.
2. Include well maintained landscaping.
3. Be visually separated from other areas (i.e., not part of visually continuous highway development pattern).
4. Be a very small structure and present a “cottage-like” appearance.

(k) New building development must avoid:

1. The look of franchise architecture.
2. Buildings which advertise by appearance (i.e., storage buildings).
3. Buildings which demand visual attention through the use of bold colors and materials which are not found to be positive in meeting rural character.
4. Buildings in commercial or industrial areas with the appearance of large metal buildings which lack design details or are otherwise without the positive attributes of rural character.
5. The appearance of the “big box” visual character.

(9) Landscaping Design Standards.

The intent is to provide a landscape design which preserves existing natural vegetation and incorporates additional locally native plants which compliment the plant communities and ecosystem of the area. The aesthetic intent is to improve the appearance of all areas through incorporating green space into the development in ways that harmonize and enhance the natural as well as the manmade environment and respect the principles of naturalistic landscaping. The design review plan should indicate:

(a) A dominant visual character for the landscape design which maintains or creates a strong appearance of rural character. It should avoid a design concept which creates a suburban or urban visual character.

(b) The size, species, and location of plant materials to be retained or placed on the site.

(c) Areas to remain “in natural state” shall be identified on the site plan. All other areas shall be properly maintained as designated on the plan.

(d) The percentage of the site which will be maintained in green space and the green space setback distance between the highway property line and the building and/or parking lot.

(e) As appropriate, planting concepts which meet the needs of front yard plantings, building entry plantings, building corner plantings, larger parking lot interior plantings, plantings related to signage and buffer plantings at the property edge which effectively screen within three (3) years what the Committee deems incompatible land uses.

(f) The planted size of shade trees should be not less than one inch (1”) diameter (measured six inches (6”) above ground) and eight feet (8’) in height; conifers (evergreen trees) should be at least four feet (4’) in height. Shrubs should be of good nursery stock and provide effective landscape development within three (3) years of planting.

(g) Plant material which provides interest in structure, texture, color, and its ultimate growth pattern. Trees and shrubs which are exotic cultivars and provide highly showy aesthetic patterns, such as red or bronze summer foliage or variegated leaf patterns, are to be avoided.

(h) Plants which are native to the area and provide a rural appearance:

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Botanical Name	Common Name
Trees	
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Acer saccharum	Sugar Maple
Acer spicatum	Mountain Maple
Amelanchier (several spp.)	Shadblow
Betula alleghaniensis	Yellow Birch
Betula papyrifera	Paper Birch
Carpinus caroliniana	American Hornbeam
Carya cordiformis	Butternut Hickory
Carya ovata	Shagbark Hickory
Crataegus sp.	Hawthorn
Fagus grandifolia	American Beech
Fraxinus americana	White Ash
Fraxinus pennsylvanica	Green Ash
Juglans cinerea	Butternut
Ostrya virginiana	American Hophornbeam
Populus balsamifera	Balsam Poplar
Populus grandidentata	Bigtooth Aspen
Populus termuloides	Quaking Aspen
Prunus Americana	American Plum
Prunus pensylvanica	Pin Cherry
Prunus serotina	Black Cherry
Prunus virginiana	Common Chokecherry
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus ellipsoidalis	Northern Pin Oak
Quercus macrocarpa	Bur Oak
Quercus rubra	Red Oak
Rhus glabra	Smooth Sumac
Rhus typhina	Staghorn Sumac
Tilia americana	American Linden
Shrubs	
Cornus alernifolia	Pagoda Dogwood
Cornus racemosa	Gray Dogwood
Cornus rugosa	Round Leaved Dogwood
Hamamelis virginiana	Common Witchhazel
Juniperus communis	Common Juniper
Ribes americanum	Wild Black Currant
Rosa Carolina	Carolina Rose

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Rubus occidentalis	Blackcap Raspberry
Salix discolor	Pussy Willow
Salix humilis	Prairie Willow
Salix lucida	Shining Willow
Sambucus canadensis	Elderberry
Shepherdia canadensis	Buffaloberry
Spiraea alba	Meadow Sweet
Symphoricarpos albus	White Snowberry
Vaccinium angustifolium	Low Bush Blueberry
Vaccinium myrtilloides	Canada Blueberry
Viburnum acerifolium	Maple-Leaved Arrowwood
Viburnum lentago	Nannyberry
Viburnum trilobum	American Cranberry Bush Viburnum
Evergreens	
Abies balsamea	Balsam Fir
Juniperus virginiana	Eastern Red Cedar
Pinus banksiana	Jack Pine
Pinus resinosa	Red Pine
Pinus strobus	White Pine
Picea Glauca	White Spruce
Tusga canadensis	Canada Hemlock
Thuja occidentalis	Eastern Arbor Vitae
Vine	
Clematis virginiana	Virgin's Bower
Vitis riparia	Riverbank Grape
Ground Cover	
Chamaedaphne calyculata	Leatherleaf Fern
Gaultheria procumbens	Wintergreen

Other varieties may be approved upon demonstration by a certified landscape designer that the variety fits well with the landscape design.

(10) Exterior Lighting Design

Standards. The intent of the exterior lighting design standards are to provide the necessary lighting which reflects rural character by intensity, location, placement, color, and overall design integration with the total development, rather than lighting which is typical of urban conditions.

(a) All exterior lighting should balance onsite needs of safety, security, and aesthetic affects, without adverse effect upon

neighborhood properties, especially residential property.

(b) All exterior lighting shall be part of the architectural and landscape design concept in color, location, and type of lighting.

(c) In general, the height of exterior lighting fixtures shall not exceed the height of the building to which it relates. Parking lot lights shall not exceed twenty-five feet (25') tall and would typically be of the sharp cut-off type. All service wall packs shall be shielded or directed downward.

(d) The height, location, and direction of lighting must be designed and located such a manner as to be shielded from the

direct view of the highway user and shielded above to reduce night sky illumination.

(e) Sign lighting concepts which provide direct illumination from a shielded light source, rather than interior sign lighting are preferred.

(11) Signage Design Standards. The intent is to encourage creative, distinct, and effective signs which are appropriate for the individual proprietors, yet meet the community design standards for rural character and promote a positive signage image. The design standards are intended to foster signage which respects the residential, rural, and scenic open space character of the Village. Sign design review is limited to the aesthetic and appropriateness of sign appearance and is separate from the conditions included in the Village's sign ordinance. The following concepts and standards will be used to review signs for design approval:

(a) Identification of businesses from moving cars must be balanced with the visual impact of signs on the rural landscape. Restraint in site design can aid in identification. Since small, simple signs identify business with less confusion, limiting counterproductive sign competition protects the quality of the landscape.

(b) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and where appropriate to rural character, shall be compatible with signs on adjoining premises and not compete for attention.

1. Sign Type. The first (1st) step in site design is selecting the most appropriate type of sign. The three (3) most common types of signs are wall signs, projecting signs, and free standing signs. The choice of sign type depends upon the surroundings and the attention one desires to attract. For example, free standing signs are best used in situations where there is a large setback from the road, where the attention of people

in fast-moving vehicles is being sought, or where there are several uses in one (1) building or complex. Projecting signs and wall signs are best used where the attention of people in slow-moving vehicles or pedestrians is desired. Free standing style signs are preferred and elevated free standing signs are discouraged.

2. Sign Message. Whatever sign type is used, simplicity is the key factor to good design and readability. An effectively designed sign utilizing bold, easily-recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and compliment the general appearance of the Village. Pictures and symbols can add individuality and character to signs in addition to making them easier to read. The most common problems in commercial areas are an overabundance of signs that are often excessively large, all of which contributes to "sign overload." This creates a visually chaotic situation in which no one (1) sign gains the advantage, since the competing signs tend to cancel each other out in an unsuccessful bid to catch the buyer's eye.

3. Sign Color. Restraint should be exercised when selecting colors. On most signs, no more than three (3) colors should be used; one (1) for background (preferably dark), a contrasting color for the lettering and a third (3rd) color perhaps for emphasis (such as for borders, motifs, or shading lettering to give it a three-dimensional look). Exceptions occur when an illustration is incorporated in the sign. In such cases, it is important that complimentary colors be used. In selecting the principle colors for a sign, colors which compliment the general tone of the building as needed.

4. Sign Materials. Signs made of wood or other natural materials are preferred. Bases of free standing signs shall be of like materials to the building.

5. Signage Landscaping. Free standing signs will generally require low and medium height plants to provide a positive design appearance for the sign and site appearance.

6. Master Sign Plan. When more than one (1) sign is proposed for a parcel, the applicant must submit for approval all of the proposed and existing signage. The intent is to develop and follow a coordinated sign plan with regard to:

- a. Color scheme.
- b. Lettering or graphic style.
- c. Lighting.
- d. Location on each building or the site.
- e. Signage material.
- f. Sign proportions.

(12) Relationship to Adjacent Sites Design Standards. The intent of this section is to achieve design appearance compatibility among separate individually owned parcels which visually appear as one (1) continuous development. The applicant has the burden of clearly demonstrating how the proposed project has the aesthetic qualities to meet the visually continuous compatibility test. Design solutions might include:

(a) Proposing a building which is similar, or compatible, in design style, materials, color, and landscaping with the adjacent development which meets the intent of positive rural character.

(b) Situations in which the architectural expressions are different and yet acceptable to the standards, strive for a strong landscape transition between properties using trees and shrubs or existing natural vegetation which reduces the visual dominance of the buildings.

(c) Situations in which the land uses are incompatible or the adjacent development is below the minimum standards for rural character. In this case, the new development should develop a landscape plan or utilize existing vegetation to fully buffer the adjacent property from view.

(d) Project features which are judged to have negative visual impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, and storage areas, shall be buffered from view of adjacent properties.

(13) Application, Appeal, Completion, and Performance Assurance. The applicant must obtain a copy of this document and review the “Design Assessment Photos” for both positive and negative examples of rural development character. The photos are available for review at the Village Hall or as directed.

(a) *Application Process.*

1. Applicants must submit a completed application and eight (8) copies of the required information listed in Section 6 to the Zoning Administrator fourteen (14) days before the regularly scheduled public meeting of the Committee.

2. The Committee has forty-five (45) days from the time a completed application is received to act on the application. A completed application must respond to all of the appropriate requirements of this ordinance. Failure to approve/deny the application in the required time will result in the automatic design approval of the project as submitted. However, the Committee may elect to defer official action which goes beyond thirty (30) days, if more information is needed and the applicant agrees to the extension.

3. The applicant must be available to present and explain how the project meets the design conditions of rural character. The Committee reviews the materials and approves as presented, approves it with conditions, or denies the applicant’s project proposal.

(b) *Appeal Process.* The intent is to reach design review agreement between the applicant and the Committee. In the event that the applicant finds the decision or action inappropriate, an appeal may be taken to the

Board. Such an appeal shall be initiated by a written request to be placed on the Board agenda for consideration. The appeal must include the action being questioned and the specific grounds upon which the appeal is made. Such request must be received by the Board no later than thirty (30) days after the date of denial. The Board shall conduct a review and within thirty (30) days make a finding which either affirms, affirms with conditions, reverses or reverses with conditions. The finding by the Board shall be final, subject to judicial review.

(c) *Completion Requirement.* The applicant must begin, and substantially complete, an approved project within two (2) years from the date of final approval. If the project is not completed within the required time, the design review approval expires.

(d) *Performance Assurance.*

1. Landscaping or other site improvement required pursuant to an approved design review plan shall be installed prior to the issuance of Certificate of Occupancy or final inspection, unless the property owner submits a performance assurance device, equal to ten percent (10%) of construction costs, committing the installation of landscaping or other site improvement within nine (9) months. In no case shall the property owner delay completion for more than nine (9) months from occupancy.

2. Performance assurance devices shall take the form of one (1) of the following:

a. Cash.

b. An irrevocable letter of credit, the form of which is approved by the Village Board, from a financial institution stating that the money is held for the purpose of development of the landscaping or other specified site improvements.

3. If a performance assurance device is employed, the property owner shall provide the Village with a non-revocable notarized

agreement granting the Village and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

4. If the property owner fails to carry out provisions of the agreement and the Village has reimbursable costs or expenses resulting from such failure, the Village shall call on the performance device for reimbursement. If the amount of the performance device exceeds the cost and expense incurred by the Village, the property owner shall be liable to the Village for the difference.

5. The Committee may elect to require a performance device prior to issuance of a building permit in situations in which extensive landscaping is needed, locations are deemed visually sensitive or where there is a poor history of compliance.

(14) Submission Requirements. The intent of this section is to provide the Committee with sufficient information to make an informed design review decision and maintain a clear record of the decision.

(a) *Required Documents.*

1. A completed application form supplied by the Village.

2. As appropriate, drawings and other documentation which illustrates in scale and relationship to project components, the features of the design. This must be documented in a manner which can be clearly understood by the Committee. The determination of necessary documentation will be established by the Committee.

3. A site plan and specifications are required which contain the following information (this may require a separate site plan, landscape plan and architectural plan):

a. Scale (i.e. one (1) inch=twenty feet (20') and north arrow.

b. Address of site/development name/owner/designer.

c. All property lines.

d. Proposed access to the site, onsite parking stalls and adjacent roads. Also, delineate traffic flow (with directional arrows) and directional signage, if any, that is considered essential.

e. Indicate areas with existing natural vegetation and basic information about species, size, and condition.

f. Indicate areas in which existing vegetation will need to be removed.

g. Locations of existing buildings to remain and proposed building for the site, and all buildings on adjacent sites which are within fifty feet (50') of the development site's boundaries. Also, the external dimensions and distances of all buildings from the property line.

h. Accurate location of all proposed landscaping which indicate the planned species (both common and scientific names are preferred); tree size (a measurement of tree diameter six inches (6'') above ground) and height of proposed conifer trees and shrubs.

i. The location, height, size, and design of all proposed signage.

j. Surface material proposed for the parking, storage, and access drives.

k. Exterior lighting concept and location.

l. Location and screening proposal for all dumpsters, storage areas, and service areas.

m. The location of all present and proposed utility systems including;

1. Wastewater system.
2. Water supply.
3. Telephone, cable, or electrical systems (indicate whether underground).
4. Storm drainage system (drain lines, culverts, catch basins) and direction of surface water flow for the developed portions of the site.

n. Basic dimensions of buffers and setbacks.

o. Approximate percentage of the parcel in green space (both natural and landscaped) and percentage in impervious space (building, parking, surfaced storage, and drive access).

p. Provisions for handicapped persons under requirements of the Americans with Disabilities Act.

q. Stormwater containment/detention.

4. Elevations. Complete exterior elevations of all proposed buildings and existing buildings if they are joined to new development.

a. Exterior elevations of all sides of the building to show architectural detail.

b. Appropriate scale drawings (usually one-quarter inch (1/4'') equals one foot (1')).

c. All signs to be mounted on the building.

d. Designation of the type of material and color to be used on the exterior.

5. Material samples need to be presented at the Committee meeting, including color and material type for walls and roof.

(b) Discretionary Information. In some situations, less information may be required than indicated in Section 16.14 (13) (a).

However, in situations where developments are large or complex, or are in environmentally sensitive areas, or are in visually sensitive areas, it will require additional submission material to provide the Committee with a complete understanding of the nature of the proposed project. This may include, but is not limited to:

1. Site photographs depicting the site and its relationship to adjoining sites.

2. A landscape plan showing all existing natural land features, trees, forest cover, and water sources, plus all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention/detention areas.

3. Sites with steep slopes or unique natural features may require mapped contours at two foot (2') intervals.

4. Location and species of trees and the condition for forested areas undergoing new development.

5. Architectural renderings of preservations and elevations in full color.

(15) Relationship to Other Ordinances. The intent of the Design Review Standards Ordinance is to have full support, cross-listing and integration among the appropriate Village codes. This is especially important among the Comprehensive Land Use Plan and Zoning Ordinance.

(a) Nothing included in this ordinance shall supplant, alter, replace, or amend in any way existing zoning requirements, sign requirements, construction codes, or other criteria as established by the Village for purposes of zoning, signage, and building permit application.

(b) In the event of any changes, alterations, or deviation from the project's initial design review approval during the state application process, or thereafter, such changes must be resubmitted to the Committee for design review reconsideration and, as necessary, re-approval.

(16) Maintaining Approved Design Conditions. The intent of the appropriate design review elements of natural resources, site design, building design, landscaping, lighting, and signage is that they will be maintained in a continued good appearance to sustain an overall high quality rural character. However, even the best initial designs can be compromised by improper and inadequate maintenance. Such maintenance problems decrease property values and provide negative impact on the entire Village. Therefore, it is a necessary function of design review to be concerned about continuing maintenance. For some

design elements it will start with the selection of appropriate materials which can sustain the weather and low to moderate levels of maintenance. For other design elements, annual design maintenance will be essential. For still others, such as landscape plants, careful maintenance is essential and with plant failure, it will be necessary to replace dead trees and shrubs. The accumulation of debris, trash, and rubbish needs to be avoided.

Developments which receive design approval are expected to continue to maintain, or improve, the property appearance as judged by the design review criteria throughout the active life of the development including: short-term, seasonal, or long-term closure. It is within the responsibilities of the Village's design review authority to ensure the maintenance of approved design conditions.

(17) Enforcement. The Zoning Administrator, under the authority of the Board, shall be the enforcing official. The penalty for violating any portion of this ordinance will be as approved from time to time by resolution of the Board.

(18) Definitions. Unless specifically defined elsewhere in the Design Review Standards Chapter, definitions are provided to clarify the following commonly used terms:

(a) *Appearance.* The outward aspects of the development which are visible to the public and adjacent properties.

(b) *Architectural Compatibility.* The aesthetic design of a building or group of buildings which includes the site design, landscape development, and signage which meets the conditions of the rural character and compliments rather than dominates a rural setting.

(c) *Big Box Design.* Buildings which present a large monolithic appearance of frontages and rooflines and otherwise lack the various planes, projections, bays,

dormers, setbacks, and rooflines to provide pedestrian scale design for onsite users and appropriate rural character.

(d) *Buffer Plantings.* An area of land identified on a site plan in which landscaping is used to provide a transition between use areas to effectively reduce the environmental, aesthetic, and other impacts of one (1) type of land use upon another.

(e) *Citizen-Based.* A process of decision-making in which citizens and committee members decide what is appropriate in determining rural character design standards.

(f) *Committee.* Suamico Design Review Committee.

(g) *Clustered Highway Commercial.* A development pattern in which uses, buildings, and parking are grouped or “clustered” rather than spread evenly along highways.

(h) *Commercial Development.* For the purposes of this ordinance, it includes the full range of uses identified under all business, commercial, and public zonings.

(i) *Design Assessment Photos.* These are citizen photos which illustrate positive and negative design for architecture, signage, landscaping, and natural features and are approved as representative examples of development that either contributes towards or detracts from rural character.

(j) *Design Review Standards.* A series of design activities, listed under Section 7, which describe the standards by which new development will be judged for appropriateness in meeting rural character.

(k) *Design Review Standards Committee.* A committee established by the Board to conduct assigned responsibilities in land use planning which includes design review.

(l) *Design Review Vocabulary.* A combination of photos and text which communicates citizen design expectations for new development.

(m) *Forestland.* The existing native plant community which includes trees, shrubs, and ground cover.

(n) *Franchise Architecture.* Buildings which follow the prototypical corporate design standards and present an appearance.

(o) *Franchise Sign.* Signs which adhere to prototypical corporate design standards and are expected to be the same for urban and rural settings.

(p) *Industrial Development.* The full range of industrial land uses recognized in the zoning ordinance.

(q) *Green Space.* The space reserved for the planting of turf, ground covers, perennials, annuals, shrubs, or trees.

(r) *Landscaping.* Any combination of living plants (such as grass, ground cover, shrubs, trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, fences, or pedestrian paving materials).

(s) *Mechanical Equipment.* Equipment, devices, and accessories, used for heating, ventilating, air conditioning, and similar purposes which can create an adverse visual impact without appropriate screening or design.

(t) *Multifamily.* For the purposes of this ordinance, it includes apartments, condominium, Village houses and other forms of attached or higher density housing. Single family and duplexes are not included under design review.

(u) *Native Plants.* Any plant species with a geographic distribution indigenous to the Village. Plant species indigenous to areas outside the Village and introduced by humans are not native vegetation.

(v) *Natural Landscape Design (Naturalistic Landscaping).* A planting concept in which the choice of species and placement provides an aesthetic appearance of a native community or looks natural.

(w) *Negative Design Features.* Conditions which reviewers tend to find

negative in appropriateness for rural character (see Figure 5).

(x) *Performance Assurance*. A process which will ensure the completion of landscaping or the site improvements in situations where the applicant fails to complete the activity in a reasonable period.

(y) *Performance Standards*. Area design standards for development which encourages flexibility and innovation of design in which more than one (1) solution is possible; however, the development must meet the range of positive photo examples, performance strategies and relevant design review standards.

(z) *Performance Strategies*. Natural and cultural resource strategies which are established to guide new development towards a desired future condition for the Village (see Section 7).

(a1) *Positive Design Features*. Conditions which viewers tend to find positive in appropriateness for rural character (see Figures 3 and 4).

(b1) *Prescriptive Standards*. Design standards which generally dictate a specific type of design condition as a requirement of approval in meeting appropriate rural character development.

(c1) *Rural Character*. The feeling associated with northern Wisconsin based on a unique identity and other memorable qualities in which the image of development provides the observer with strong visual and experiential images illustrated in the positive design assessment photos and lacks dominant urban and suburban visual characteristics. Designs that tend to blend with the landscape as opposed to standing out.

(d1) *Screening*. A structure or planting which conceals from public view the area behind such structure or planting.

(e1) *Site Plan*. A plan prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and

the location of all buildings, structures, uses, and principle site design features proposed for a specific parcel of land.

(f1) *Strip Highway Commercial*. A linear “strip” of development which tends to front on both sides of well-traveled roads and extend inward for one (1) parcel. Generally, designed with high vehicular access, excessive signage, limited landscaping, franchise, or uncoordinated architecture and an area primarily developed for auto uses.

(g1) *Village*. Refers to Village, County of Brown, Wisconsin.

(h1) *Board*. Refers to the governing body of the Village.

SUBCHAPTER IV – HISTORICAL PRESERVATION

16.40 HISTORICAL PRESERVATION.

(1) **Purpose and Intent**. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is as follows.

(a) *Protect, Enhance, and Preserve History*. Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Village’s cultural, social, economic, political and architectural history.

(b) *Safeguard Heritage*. Safeguard the Village’s historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(c) *Foster Civic Pride*. Stabilize and improve property values, and enhance the visual and aesthetic character of the Village.

(d) *Protect Attractions.* Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(e) *Stabilize Property Values.* Stabilize and improve property values.

(f) *Improve Character.* Improve and enhance the visual and aesthetic character of the Village.

(g) *Educate the Public.* Educate the public regarding the need and desirability of a Village historic preservation program and its enhancement of the quality of life.

(2) Definitions. For the purposes of this section the following definitions shall apply.

(a) *Certificate of Appropriateness.* The certificate issued by the Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

(b) *Commission.* The Historic Preservation Commission created under this section.

(c) *Historic District.* An area designated by the Board on recommendation of the Commission that contains two (2) or more historic improvements or sites.

(d) *Historic Site.* Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(e) *Historic Structure.* Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural

characteristics of the Village, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

(f) *Improvement.* Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(g) *Improvement Parcel.* The unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "Improvement Parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

(h) *Board.* Village Board of Trustees of the Village of Suamico.

(3) Historic Preservation Commission Composition. A Historic Preservation Commission is hereby created pursuant to Code Section 2.07 (4) (e).

(4) Historic Structure, Historic Site, and Historic District Designation

Criteria. The Commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation providing such are in conformance with the provisions of this ordinance. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archaeological or cultural significance to the Village such as historic structures, sites, or districts which meet the following criteria.

(a) *Exemplify History.* Structures, sites, or districts which exemplify or reflect the

broad cultural, political, economic or social history of the nation, state or community.

(b) Identified with Historic Personages or Events. Structures, sites, or districts which are identified with historic personages or with important events in national, state or local history.

(c) Embody Distinguishing Architectural Characteristics. Structures, sites, or districts which embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship.

(d) Representative of Notable Work. Structures, sites, or districts are representative of the notable work of a master builder, designer or architect who influenced his or her age.

(e) Yield Important Information. Structures, sites, or districts which have yielded, or may be likely to yield, information important to prehistory or history.

(5) Powers and Duties. Authority and activities of the Commission shall be advisory to the Board. The basic function of the Commission shall be the development of public support and the location and identification of historic sites, historic structures, and historic districts. The duties of the Commission shall be as follows.

(a) Designation. Upon request of the property owner, the Commission shall have the power, subject to Section 16.40 (6), below, to designate historic structures and historic sites and to recommend designation of historic districts within the Village limits. Such designations shall be made based on Section 16.40 (4) above. Historic districts shall be approved by the Board. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.

(b) Regulation of Construction, Reconstruction, Alteration, and Demolition.

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement. Upon such designated property or properties or cause or permit any such work to be performed upon such property to demolish such property unless a Certificate of Appropriateness (C of A) has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the building inspector shall not issue a permit for any such work.

2. Upon filing of any application for a Certificate of Appropriateness with the Commission, the Commission shall approve the application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon a historic site, or within a historic district the exterior of such improvement would adversely affect or not harmonize with the external appearance other neighboring improvements on such site or within the district;

c. In the case of any property located in a historic district, the proposed construction, reconstruction exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general

welfare of the people of the Village and state;

e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;

f. Except as provided herein, in the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any unauthorized public official or agency, the Commission may defer the granting of approval for a period of up to six (6) months from the time of such application, during which time the Commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the Commission shall cooperate in attempting to avoid demolition of the property. At the end of this six (6) month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is under way, or if no formal application for funds from and governmental unit or nonprofit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the Commission. If such mutually agreeable method of for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of two (2) months following the end of such six (6) month period, the building inspector may issue the permit to demolish the subject

property without the approval of the Commission.

3. In addition, in determining whether to issue a Certificate of Appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate,

shall be undertaken using the gentlest means possible.

h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. If the Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The Commission shall make this decision within forty-five (45) days of the filing of the application. Failure of the Commission to act upon a requestor a Certificate of Appropriateness within forty-five (45) days shall result in the issuance of such certificate.

5. Agencies of the Village and all public utility and transportation companies undertaking projects affecting historic structures, historic sites, or historic districts shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the Village.

6. The issuance of a Certificate of Appropriateness shall not relieve the applicant from the requirement of obtaining other permits and approvals required by the Village, or any other governing agencies. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the Village shall apply unless waived by the appropriate state or Village officials. The Commission may support or propose such waivers before the appropriate state or Village appeals body.

7. Compliance with certificates of appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The Village may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the Village shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

8. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) *Appeals.* Should the Commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Board within thirty (30) days. The Board will hear and decide all appeals within forty-five (45) days of receiving the written notice of appeal. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(d) *Recognition of Historic Structures, Sites, and Districts.* At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property at Village expense, a suitable plaque declaring that such property is a historic structure, site or district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction, and other information deemed proper by the Commission.

(e) *Other Duties.* In addition to those duties already specified in this section, the Commission shall:

1. Work for the continuing education of the citizens about the historical heritage of the Village and the historic properties designated under the provisions of this chapter.

2. Cooperate with the State Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of historic places and the State Register of Historic Places.

3. As it deems advisable, receive and solicit funds for the purpose of historic preservation in the Village. Such funds shall be placed in a special Village account for such purpose.

4. Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the Village for the purpose of determining those of a distinctive character or special historic, aesthetic, architectural, or cultural interest or value, and of compiling appropriate descriptions, facts, and lists.

5. Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.

6. Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.

7. Recommend to the Village Board names attributed to Suamico's history that may be used in the naming of new public developments, and roads included as part of new public developments.

(6) Procedures.

(a) *Designation of Historic Structures and Historic Sites.*

1. The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section 16.40 (4) above. At least seven (7) days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within five hundred feet (500') of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on

the designation. Notice of such hearing shall also be published as a Class 1 Notice under the Wisconsin state statues. The Commission shall also notify the following: Department of Public Works, Fire Department, Police Department, Building Inspection Department, and Planning Commission. Each department may respond to the Commission with its comments on the proposed designation or rescission.

2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Clerk, Building Inspection Department, Planning Commission, and the Village Assessor. The Commission shall cause the designation or rescission to be recorded, at Village expense, in the County Register of Deeds office.

3. Appeal. Any designation or recommendation of the Commission with respect to historic structures and historic sites may be appealed to the Board within thirty (30) days of any final action of the Commission. The Board shall hear and decide all appeals no later than forty-five (45) days from the date that the Board receives written notice of appeal.

(b) Designation of Historic District.

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the Village to be designated as historic districts and shall, with the assistance of the

Village Community Development Department, prepare a historic preservation plan in ordinance form for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the Village, which:

- a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community;
- b. Is identified with historic personages or with important events in national, state, or local history;
- c. Embodies the distinguishing characteristics of architectural types of specimens inherently valuable for the study of a period or periods, styles, methods, or construction, or of indigenous materials or craftsmanship;
- d. Is representative of the notable works of master builders, designers, or architects who influenced the age; or
- e. Has yielded, or may be likely to yield, information to history or prehistory.

2. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

3. Guideline criteria to be considered in the development of historic district plans are as follows:

- a. Regulation of construction, reconstruction, alteration, and demolition shall conform to the criteria and standards in Subsection 16.40 (5) (b) 1-3.
- b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

d. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the building and environment with which it is visually related.

e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.

f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which they are visually related.

g. The existing rhythm created by existing building masses and spaces between them should be preserved.

h. The materials used in the final facade should be visually compatible with the buildings and environment with which they are visually related.

i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which they are visually related.

k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this

expression should be carried over and reflected.

n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

4. Review and Adoption Procedure.

a. The Historic Preservation

Commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of the public hearing shall be given by publication as a Class 1 Notice under the Wisconsin statutes. Notice of the time, place, and purpose of the public hearing shall also be sent by the Clerk to the owners of record, as listed in the office of the Village Assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within five hundred feet (500') of the boundaries of the proposed historic district. Said notice is to be sent at least seven (7) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the Planning and Zoning Commission and then the Board.

b. The Planning Commission shall review the historic district plan and make a recommendation to the Board. The Planning Commission shall make its recommendation on the historic district plan within forty-five (45) days.

c. The Board upon receipt of the recommendation from the Historic Preservation Commission and Planning Commission shall hold a public hearing, notice to be given as noted in Subparagraph a. above and shall following the public hearing either designate or reject the historic district designation of the historic district shall constitute adoption of the plan in

ordinance form prepared for that district and direct implementation of said plan.

d. Appeal to Board of Appeals. All determinations of the Board pursuant to the designation of a historic district are subject to appeal to the Board of Appeals pursuant to Section 16.40 (3) of the Village of Suamico Municipal Code.

(7) **Interim Control.** No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of nomination by the Historic Preservation Commission or the Board unless such alteration, removal or demolition authorized by formal resolution of the Board as necessary for public health, welfare or safety. In no event shall delay be for more than one hundred eighty (180) days.

(8) **Conformance with Regulations.**

(a) Every person in charge of a historic structure, historic site, or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The common council may appoint the building inspector or any other individual or group of individuals to enforce this chapter. During the period of the certificate, the duties of the inspection officer may include periodic inspection at intervals provided by the common council of designated historic structures, historic sites, and historic districts.

(b) Every person in charge of an improvement on a historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause, or tend to cause,

the exterior portions of such improvement to fall into a state of disrepair, including, but not limited to:

1. The deterioration of exterior walls or other vertical supports;
 2. The deterioration of roofs or other horizontal members;
 3. The deterioration of external chimneys;
 4. The deterioration or crumbling of exterior plasters or mortar;
 5. The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
 6. The peeling of paint, rotting, holes, and other forms of decay;
 7. The deterioration of surrounding environment; e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
 8. The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions;
- or
9. All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

(c) The purpose of this section is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism.

(d) The Building Inspector shall give the Commission notice of properties which, in his or her opinion, are unfit for human habitation, occupancy, or use prior to issuance of any raze orders under state statutes or municipal ordinances.

(e) Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the Universal Dwelling Code and Suamico Building Code and outdoor signs and outdoor advertising structures regulations of the general ordinances may be varied or

waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Zoning Administrator, provided such variance or waiver does not endanger public health or safety.

(9) Emergency Conditions. In any case where the building inspector determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure, site, or a property in a historic district, the Village may order the remedying of these conditions without the approval of the Commission. The Village shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the Village shall make every effort to carry out the intent of this chapter and to use the design guidelines of the Commission when remedying the emergency conditions.

16.99 PENALTY, SEVERABILITY, AND ENFORCEMENT.

(1) Penalty. Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) Severability. If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a

decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) Enforcement. Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

Village of Suamico

Chapter 16

Ordinance 2008-13 Amending Chapter 16 Building Code

Adopted 6-2-08

Ordinance 2008-19 Creating Section 16.40 Historical Preservation

Adopted 7-14-08

Ordinance 2009-14 Amending Section 16.12 Erosion Control

Adopted 7-6-09

Ordinance 2010-14 Amending Chapter 16 to Revise Section 16.27(4) Requirements

Adopted 6-7-10

Ordinance 2010-16 Amending Chapter 16 Subchapter IV Adding to 16.40(5)(e)

Adopted 7-19-10

Ordinance 2011-07 Amending Chapter 16, Building Code

Adopted 6-20-11

Ordinance 2013-04 Amending Chapter 16, Building Code

Adopted 4-1-13

Ordinance 2014-03 Amending Chapter 16.09 Private Swimming Pools

Adopted 1-6-13

Ordinance 2017-04 Amending Chapter 16, Building Code

Adopted 6-5-17