

## Building Code

### TITLE 15

#### Building Code

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### CHAPTER 1

#### Building Code

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#### SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Monticello" and will be referred to in this Chapter as "this Code," "this Chapter," "this Section" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safe of the users thereof or any other persons is a "new building" to the extent of such change.

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Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

### **SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.**

#### (a) Permit Required.

- (1) General Permit Requirement. No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
  - (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
    - a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
    - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
    - c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
    - d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
    - e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application**. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

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### (c) **Site Plan Approval.**

- (1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) Administration. The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Village Board shall authorize the Building Inspector to issue or refuse a building permit.
- (3) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
  - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) Effect on Municipal Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
- (5) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Zoning Board of Appeals by a notice of appeal with the Village Clerk-Treasurer within ten (10) days of the denial.

(d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board, upon the recommendation of the Plan Commission.

### (e) **Utilities Required.**

- (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets

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necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.

- (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
  - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter Comm. 20.09(4), Wis. Adm. Code.
- (g) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
  - (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than Two Hundred Fifty Dollars (\$250.00), as determined by the Building Inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (h) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the abovementioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
  - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

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(i) **Inspection of Work.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two (2) business days after notification all buildings at the following states of construction:

- (1) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
- (2) General framing, rough electrical, plumbing and heating;
- (3) Insulation; and
- (4) Completion of the structure.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

(k) **Revocation of Permits.**

- (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
  - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
  - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which, has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

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- (l) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

### **SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED.**

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters Comm. 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
  - (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings - Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period; all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations - Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.**
  - (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) Department. "Department" means the Department of Commerce.
  - (4) Dwelling. Dwelling means:
    - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
    - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
  - (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

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- (6) One (1) or Two (2) Family Dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:
  - Wis. Adm. Code Chapter Comm 20 Administrative and Enforcement
  - Wis. Adm. Code Chapter Comm 21 Construction Standards
  - Wis. Adm. Code Chapter Comm 22 Energy Conservation Standards
  - Wis. Adm. Code Chapter Comm 23 Heating, Ventilating and Air Conditioning
  - Wis. Adm. Code Chapter Comm 24 Electrical Standards
  - Wis. Adm. Code Chapter Comm 25 Plumbing and Potable Water Standards

### (d) **Method of Enforcement.**

- (1) Certified Inspector to Enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Chapter Comm. 5.63, Wis. Adm. Code.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

## **SEC. 15-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.**

- (a) **Portions of State Building Code Adopted**. Chapters Comm 60 through Comm 66, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 60 to 66 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 60 to 66 and amendments thereto shall be kept on file in the office of the Building Inspector.
- (b) **State Plumbing Code Adopted**. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. 81 through 87, are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein is intended to be made part of this Chapter.

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### (c) **State Electrical Code Adopted.**

- (1) Wis. Adm. Code Comm 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
- (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Chapter Comm 16 and PSC 112, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

(d) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code accepted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

### **SEC. 15-1-5 NEW METHODS AND MATERIALS.**

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Commerce for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

### **SEC. 15-1-6 UNSAFE BUILDINGS.**

Whenever the Building Inspector and Village Board find any building or part thereof within the Village to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

### **SEC. 15-1-7 DISCLAIMER ON INSPECTIONS.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

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### **SEC. 15-1-8 GARAGES.**

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

### **SEC. 15-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.**

- (a) No building within the Village of Monticello shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the properly raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

### **SEC. 15-1-10 BASEMENTS; EXCAVATIONS.**

- (a) **Basement Sub-flooring.** First floor sub-flooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade.

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The cost of such abatement shall be charged against the real estate and entered on the next succeeding taxroll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

### **SEC. 15-1-11 DISCHARGE OF CLEAR WATERS.**

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

### **SEC. 15-1-12 DUPLEX AND MULTI-SERVICE CONNECTIONS.**

- (a) A duplex structure shall be allowed a common water service to the curb stop, but each unit of said duplex shall have a separate outside curb stop for the purpose of shutting water off in one unit without disturbing the second unit.
- (b) Structures over two (2) units, if metered separately, shall also have individual outside curb stops for the purpose of shutting water off in one unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit's structures from the sewer main to the structure.

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- (d) Water service shutoff shall be three (3) feet inside curb and not located in driveways or positioned under concrete at any time.

### **SEC. 15-1-13 REGULATIONS FOR MOVING BUILDINGS.**

#### **(a) General Requirements.**

- (1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.

- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

#### **(e) Bond.**

- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Monticello in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the

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Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), together with property damage insurance in a sum not less than One Hundred Thousand Dollars (\$100,000.00), or such other coverage as deemed necessary.

### **SEC. 15-1-14 FIRE DISTRICT REGULATIONS.**

- (a) **Fire District.** All that part of the Village of Monticello included within the following-described territory shall be known as the fire district: Outlots 44A, 44B, 51, 52 and the West 28 feet of Outlot 55, and the following lots in the Original Plat of the Village of Monticello, to-wit:

Lots 1 and 2, Block 2  
Lots 3 and 4, Block 3  
Lots 1, 4, 5, 6, 7 and 8, Block 8  
Lots 1, 2, 3 and 4, Block 9  
Lots 1, 2, 3 and 4, Block 14  
Lots 1, 2, 4 and 5, Block 13  
Lots 1 and 2, Block 17  
Lots 1 and 2, Block 18

- (b) **Definitions.** The terms "fire-resistive construction," "mill construction," "ordinary construction," "frame construction" and "fire retardant roof covering" shall have the meaning as defined in the Wisconsin State Building Code.

(c) **Regulations Within Fire District.**

- (1) **Requirements.** Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire resistive, mill or ordinary construction, except as otherwise provided by this Section. Enclosing walls, division walls and party walls shall be four (4) hour fire-resistive walls of a construction as provided in the Wisconsin State Building Code which is hereby made a part of this Chapter with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.

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- (2) **Exceptions.** No building of frame construction shall be constructed within the fire district, except the following, and no such building or structure shall be located within five (5) feet of any lot line or structure;
- a. Temporary, one (1) story frame buildings for use of builders, not exceeding one thousand (1,000) square feet in area for a period not exceeding one hundred (100) days.
  - b. One (1) story sheds not over ten (10) feet high, open on the long side and with an area not exceeding one hundred (100) square feet, located not less than twenty (20) feet from any other building. A wooden fence shall not form the back or side of such sheds.
  - c. Greenhouses not more than fifteen (15) feet in height.
  - d. Private garages for not more than two (2) noncommercial automobiles, if not over fifteen (15) feet high and not more than seven hundred fifty (750) square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.
- (d) **Bulk Oil Tanks Prohibited.** The storage of over one hundred (100) gallons of flammable liquids above ground on any one (1) premises and the storage in any underground tank of over two thousand (2,000) gallons within the fire district is prohibited.
- (e) **Razing Old or Damaged Buildings.** Any existing frame building within the fire limits which may hereafter be damaged by fire or which has deteriorated to an amount greater than one-half (1/2) of its assessed value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be ordered removed under the provisions of Sec. 66.05, Wis. Stats., by the Building Inspector.
- (f) **Fire-Retardant Roofing.**
- (1) **New Buildings.** Every roof hereafter constructed within the fire district, including buildings listed in Subsection (c), shall be covered by a roofing having a fire resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc., classification.
  - (2) **Replacement of Existing Roofing.** No roofing on an existing roof shall be renewed or repaired to a greater extent than one-tenth (1/10) of the roof surface, except in conformity with the requirements of Subsection above.

### **SEC. 15-1-15 INSTALLATION OF SMOKE AND HEAT DETECTING DEVICES IN MULTIPLE DWELLING UNITS.**

(a) **Smoke-Detector Devices Required.**

- (1) The owner of every premises on which is located more than two (2) dwelling units within the Village shall install smoke detection devices so located as to protect:
    - a. The sleeping areas of each dwelling unit; and
    - b. All public hallways on the premises; and
    - c. All basement and storage areas.
  - (2) If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Village Fire Inspector to protect each sleeping area.
- (b) **Definitions.** For the purposes of this Chapter, the following words and phrases shall have the following meanings:
- (1) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.
- (c) **Exemption.** This Chapter shall not apply to owner-occupied single family dwelling units, owner-occupied mobile homes or premises containing two (2) or less dwelling units.

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### (d) **Installation and Design Standards.**

- (1) Installation of all devices shall be according to manufacturer's specifications.
- (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association.
- (3) All smoke and heat detection devices shall bear the Underwriters' Laboratory (UL) seal of approval or Factory Mutual approval. All smoke detection devices shall meet the Underwriters' Laboratory Standard 217/268. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
- (4) In premises having multiple-dwelling units, additional devices connected to the building alarm system, if any, shall be installed in every corridor serving one (1) or more dwelling units and on every separate level of the building regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosed area which shall be audible throughout the entire building.
- (5) In premises having multiple dwelling units, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in place according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on centers and fifteen (15) feet from any wall.
- (6) Heat-sensing devices shall be installed in all furnace, boiler and incinerator rooms in a premises having multiple dwelling units.

(e) **Owner Responsible for Installation of and Maintenance.** The owner of the premises having a multiple dwelling units shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation of some other authorized, qualified individual to assume that responsibility and approval of this designation is given in writing by said Fire Chief.

(f) **Installation, Time for.** Detection devices required by this Section shall be installed within six (6) months of the effective date of this Section, except that existing premises are not required to install devices which are interconnected to signals outside of the enclosure in which they are placed.

## **SEC. 15-1-16 ELECTRICAL LICENSES**

Local electrical licenses are not required within the Village of Monticello. The Administrative Code provisions describing and defining electrical regulations are hereby adopted. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions, or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter. The local Building Inspector will inspect when ready all electrical work to conform to the provisions of this Chapter.

## **SEC. 15-1-17 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

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### **SEC. 15-1-18 PENALTIES AND VIOLATIONS.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b)
  - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the Applicant and the owner, in writing, of the violation to be corrected. Cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Comm 20.10(1)-(2) Wis. Adm. Code.
  - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Monticello charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

## CHAPTER 2

### Construction Site Erosion Control

15-2-1	Authority
15-2-2	Findings and Purpose
15-2-3	Applicability of Regulations
15-2-4	Definitions
15-2-5	Design Criteria, Standards and Specifications for Control Measures
15-2-6	Maintenance of Control Measures
15-2-7	Control of Erosion and Pollutants During Land Disturbance and Development
15-2-8	Permit Application, Control Plan and Permit Issuance
15-2-9	Inspection
15-2-10	Enforcement
15-2-11	Appeals

#### **SEC. 15-2-1 AUTHORITY.**

This Chapter is adopted pursuant to the guidelines in Sec. 62.234, Wis. Stats.

#### **SEC. 15-2-2 FINDINGS AND PURPOSE.**

- (a) **Findings.** The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and the Village of Monticello.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands.

#### **SEC. 15-2-3 APPLICABILITY OF REGULATIONS.**

This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

**NOTE:** State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff, which contains similar requirements as contained in this Chapter, as a minimum.

#### **SEC. 15-2-4 DEFINITIONS.**

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.

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- (c) **Construction Site Control Measure.** A control measure used to meet the requirements of Sec. 15-2-7(b).
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (i) **Landowner.** Any person holding title to or having any interest in land.
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (l) **Set of 1 Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (m) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

### **SEC. 15-2-5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.**

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector.

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### **SEC. 15-2-6 MAINTENANCE OF CONTROL MEASURES.**

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

### **SEC. 15-2-7 CONTROL OF EROSION AND POLLUTANT'S DURING LAND DISTURBANCE AND DEVELOPMENT.**

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:
- (1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
  - (2) Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
  - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
  - (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
  - (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
  - (6) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

*NOTE:* The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Building Inspector clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- (b) **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a).
- (1) **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydrocyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

*NOTE:* There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large

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pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

- (2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.
- (4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:
  - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Subsection (5)(c)(3). Sheet flow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one (1) year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

*NOTE:* Soil and Conservation Service guidelines for allowable velocities in different types of channels should be followed.

- b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- c. Runoff from the entire disturbed area on the site shall be controlled by meeting either of the following:
  1. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching or covering, or other equivalent control measure.
  2. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  3. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

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- d. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a down slope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

### **SEC. 15-2-8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.**

- (a) **Permit Application.** No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities Covering More Than One Acre.**
  - (1) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
    - a. Site boundaries of adjacent lands which accurately identify site location;
    - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
    - c. 100 year floodplains, flood fringes and floodways;
    - d. Location of the predominant soil types;
    - e. Vegetative cover;
    - f. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;
    - g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
    - h. Site topography at a contour interval not to exceed five (5) feet.
  - (2) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.
  - (3) Site Construction Plan. A site construction plan including:
    - a. Locations and dimensions of all proposed land disturbing activities;
    - b. Locations and dimensions of all temporary soil or dirt overburdens;
    - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
    - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and
    - e. Provisions of maintenance of the construction site control measures during construction.

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- (c) **Content of Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre, But Meeting the Applicability Requirements Stated in Sec. 15-2-7(a).** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the Chapter.
- (d) **Review of Control Plan.** Within forty-five (45) days of receipt of the application, control plan (or control plan statement), and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this Chapter are met. The Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.
- (e) **Permits.**
  - (1) **Duration.** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the Building Permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
  - (a) **Surety Bond.** As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
  - (b) **Permit Conditions.** All permits shall require the permittee to:
    - a. Notify the Building Inspector within forty-eight (48) hours of commencing any land disturbing activity;
    - b. Notify the Building Inspector of completion of any control measures within fourteen (14) days after their installation;
    - c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;
    - d. Install all control measures as identified in the approved control plan;
    - e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan;
    - f. Repair any situation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities;
    - g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;
    - h. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
    - i. Keep a copy of the control plan on the site.

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### **SEC. 15-2-9 INSPECTION.**

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two (2) times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to the provisions of Sections 66.0119, Wis. Stats.

### **SEC. 15-2-10 ENFORCEMENT.**

- (a) The Building Inspector may post a stop-work order if:
  - (1) Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
    - (a) The control plan is not being implemented in a good faith manner; or
    - (b) The conditions of the permit are not being met.
  - (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within ten (10) days, the Building Inspector may revoke the permit.
  - (c) If the landowner or land user where no permit has been issued does not cease the activity within ten (10) days, the Building Inspector may request the Village Attorney to obtain a cease and desist order.
  - (d) The Building Inspector or the Board of Appeals upon appeal may retract the stop-work order or the revocation.
- (a) Ten (10) days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this Chapter. The Building Inspector may go on the land and commence the work after fourteen (14) days from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Building Inspector shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect as a special assessment. Any person violating any of the provisions of this Chapter shall be subject to a forfeiture as provided in Section 1-1-7. Each day a violation exists shall constitute a separate offense.
- (f) Compliance with the provisions of this Chapter may also be enforced by injunction.

### **SEC. 15-2-11 PROHIBITION OF VEHICLE DEBRIS ON PUBLIC WAYS.**

- (a) **Declaration of Purpose.** The purpose of this Section is to prevent unsafe conditions on Village streets and to safeguard against air pollution and increased sedimentation and pollution of our lakes and streams.
- (b) **Prohibition.** No person, firm or corporation engaging in activity at a construction site, or operation area in conjunction with the construction activity, shall allow erosion to adjacent land, public streets or bodies of water or the tracking or dropping of dirt or other material by vehicles from the site onto any public street or allow either condition to remain. All persons, firms or corporations engaged in construction or maintenance activity shall be held responsible for any violations of this Section by himself, his agents, employees, subcontractors or haulers of materials or supplies.

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### **SEC. 15-2-12 APPEALS.**

- (a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this Chapter. Upon appeal, the Board of Appeals may authorize variances from the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Any applicant permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector in administering this Chapter.

## CHAPTER 3

### Grievances Regarding Access to Public Buildings by Handicapped Persons

15-3-1 Grievance Procedures Regarding Access to Public Buildings  
by Handicapped Persons

#### **SEC. 15-3-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.**

- (a) **Statement of Purpose.** The Village of Monticello is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."
- (b) **Complaint Procedure.**
- (1) Complaints should be filed with the Village Clerk-Treasurer, who has been designated to coordinate Section 504 Compliance.
  - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
  - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Village Clerk-Treasurer who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
  - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
  - (6) The Section 504 coordinator shall maintain the files and records of the Village relating to the complaints filed.
- (c) **Appeals.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Village Clerk-Treasurer.
  - (2) The grievance shall be heard by the Village Board within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Board. The Village Clerk-Treasurer shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.
  - (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.

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- (4) The decision of the Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three (3) working days of the close of the hearing and the Village Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Village Clerk-Treasurer.
- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.
- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504 and the ORS regulations.

## CHAPTER 4

### Fair Housing

15-4-1	Statement on Fair Housing
15-4-2	Definitions as Used in This Chapter
15-4-3	Unlawful Practices
15-4-4	Exemptions
15-4-5	Enforcement

#### **SEC. 15-4-1 STATEMENT ON FAIR HOUSING.**

It is hereby declared to be the policy of the Village of Monticello to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons. State Law Reference: Sec. 66.1011, Wis. Stats.

#### **SEC. 15-4-2 DEFINITIONS AS USED IN THIS CHAPTER.**

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

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- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### **SEC. 15-4-3 UNLAWFUL PRACTICES.**

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village or a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or
- (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

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- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
  - (1) The lowering of property values in the area;
  - (2) An increase in criminal or antisocial behavior in the area; or
  - (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued there under; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

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### **SEC. 15-4-4 EXEMPTIONS.**

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
  - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
  - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
  - (3) Without the violation of Section 15-4-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

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### **SEC. 15-4-5 ENFORCEMENT.**

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.