

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 Star Prairie" and will be referred to in this Chapter as "this Code," "this Chapter" 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 in the Village of Star Prairie. 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; Applicability; Statutory Authority.**
 - (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village of Star Prairie, 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 safety of the users thereof or any other persons is a "new building" to the extent of such change. 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 of Star Prairie and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and accessory buildings. Not included are children's play structures and agricultural buildings on agricultural zoned parcels.
- (3) **Statutory Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

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 of Star Prairie 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/her authorized agent, from the Building Inspector or his/her designee, as appropriate. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
 - a. New buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure, with cost determinations including market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for re-siding.
 - d. Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or natural gas supply systems when altered.
 - e. Exempted are re-roofing meeting the standards of Subsection (g)(2) and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof. [See Subsection (g)(2)].
 - f. Any electrical wiring for new construction or remodeling.
 - g. Any HVAC for new construction or remodeling.
 - h. Any plumbing for new construction or remodeling.
 - i. Exempt from permit requirements are normal repairs described in Subsection (a)(1)d-e above and electrical, HVAC and plumbing normal repairs, complying with Subsection (a)(2) below.

- (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 either 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 Village Office and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, telephone and cellphone numbers), 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 or Village officials may require.

- (c) **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 land division and required improvements and phasing are accepted by the Village Board.
- (d) **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 necessary to service the property for which the permit is required and a receipt for payment of electrical connection is presented to the Building Inspector. The Village Board determines the areas of availability of public utilities in the Village.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let and financial assurances to the Village filed, for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. The Village Board determines the areas of availability of public utilities in the Village.
 - (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.
- (e) **Submission of Plans.**
- (1) **Basic Application Information.** 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 a 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 Wisconsin Department of Safety and Professional Services. 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 SPS 320.09, Wis. Adm. Code.

- (2) **Erosion Control Plan.** 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 shall also be filed if needed for the project.
- (3) **Scale.** 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].
- (4) **Filing of Plans.** 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 (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services. 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.
- (5) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
- (6) **Foundation Elevation and Location Confirmation.** The Village shall issue its preliminary building permit as a result of the above submittals, subject, however, to the owner confirming the actual elevations and location of the foundation once it is installed. No further construction work can be completed on the new building until submission of a recertification of the foundation elevations and location, confirming that the foundation elevations and location conform with the original permit and application regulations.

(f) **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/she 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 and Roofing.** The following projects do not require a building permit:
 - a. Minor repairs and alterations with a fair market value of Seven Hundred and Fifty Dollars (\$750.00), including market value of labor, which do not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation.
 - b. Repair or replacement of an external roof surface, including, without limitation, shingles, metal roofing, tiles, or rubber membrane. Any structural repair to a roof or replacement of trusses or sheeting requires a building permit. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.

- (g) **Site Plan Approval.** This Subsection shall apply to any project requiring a building permit pursuant to this Chapter which involves any land disturbing activity. The plot plan required in Subsection (e)(1) above shall also show the proposed finished elevation for any structure to be built on the property at issue along with the proposed finished contours of the entire site. This proposed finished elevation shall also be indicated by benchmark(s) set on the property upon which the structure is to be built. These benchmarks shall be referenced to the USGS elevations established throughout the Village. The proposed finished elevation shall be in conformance with any approved grading plan for the property in question. In the absence of an approved grading plan, a plot plan and the proposed finished elevation shall be determined so as to provide proper drainage from the property to drainage ditches and/or to a Village street. Any structure constructed on the lot shall be constructed consistent with this approved site plan and finished elevation. Prior to the pouring of any footings or foundations, the builder shall provide sufficient evidence to the Building Inspector that the location and elevation of the footings or foundations are consistent with the approved plot plan and finished elevation.
- (h) **Permit Issuance – New Non-UDC Projects.** If the Building Inspector in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the Village and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (i) **Approval of Plans; Permit Issuance for UDC Projects.**
- (1) **Preliminary Foundation Permit.** The Building Inspector shall issue the requested building permit for UDC projects as a preliminary permit to construct the foundation if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. A preliminary permit is valid for six (6) months. A preliminary permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.
 - (2) **Recertification; Final Building Permit Issuance.** Upon completion of the foundation, the owner or contractor shall submit data identifying setbacks and elevations. Said information shall be submitted to the Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the existing foundation conforms to the local requirements, a final building permit shall be issued and it shall be posted at the job site in a visible location from the street. A final building permit may be extended for a specific time frame upon the Building Inspector's approval and payment of appropriate fees.

- (3) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
 - (4) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants.
 - (5) **Partial Building Permit.** In case adequate plans are presented for part of a UDC-classified building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (j) **Inspections.**
- (1) **Required Inspections.** The following inspections for UDC projects shall be requested forty-eight (48) hours (business work days) in advance by the applicant/contractor or property owner, to the Building Inspector, as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. Drantile/basement floor.
 - d. Underfloor plumbing/electric service.
 - e. Insulation.
 - f. Final carpentry, HVAC, electric and plumbing.
 - g. Erosion control.
 - (2) **Failure to Request Inspections.** The requirement to request any inspections is the responsibility of the contractor and/or property owner.
- (k) **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 eighteen (18) months from the date of issuance.
- (l) **Revocation of Permits.**
- (1) **Grounds for Revocation.** The Building Inspector or the Village Board may revoke any building, plumbing, HVAC 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 or other Village authority finds 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 the permit holder.

- 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 or other Village authority, 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) **Permit Revocation.** 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/her agent, if any, and on the person having charge of construction.
- (3) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector or designee.
- (4) **Construction Unlawful Following Permit Revocation.** After the notice is delivered 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 the Building Inspector may require for the preservation of life and safety.
- (m) **Report of Violations.** Village officers and officials shall report at once to the Building Inspector or Village office any building which is being carried on without a permit as required by this Chapter.
- (n) **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.
- (o) **Inspection Warrants.** If the Building Inspector is denied access to inspect a property, he/she may request the Village Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

(a) Adoption of Codes.

- (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein:

SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured Home Communities
SPS 360-366	Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code
SPS 367	Rental Unit Energy Efficiency
SPS 375-379	Buildings Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings 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 Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept with the Building Inspector.
- (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code®*, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code®*, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code®*, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code®*, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin 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 the Village of Star Prairie. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector'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 thirty-five percent (35%) 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.** The following definitions shall be applicable in this Chapter:

- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Building Inspector.** The State-certified inspector who performs UDC inspections in the Village of Star Prairie. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
- (4) **Department.** The Wisconsin Department of Safety and Professional Services.
- (5) **Dwelling.**
 - 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.
- (6) **Minor Repair.** A 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.

- (7) **One (1) or Two (2) Family Dwelling.** 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.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

SPS	320	Administration and Enforcement
SPS	321	Construction Standards
SPS	322	Energy Conservation
SPS	323	Heating, Ventilating and Air Conditioning
SPS	324	Electrical Standards
SPS	325	Plumbing

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her 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 Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.06, 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/her agent while in performance of his/her duties.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the State under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes 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 Commercial Building Code Adopted.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial 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. SPS 360-366, Wis. Adm. Code, incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Codes and amendments thereto shall be kept on file in the office of the Village Building Inspector.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Chs. H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, 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 of Star Prairie. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) SPS 324, Wis. Adm. Code, and the currently adopted version of the National Electric Code, are 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, Volume 1, and Rules of Electrical Code, Volume 2, 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, the provisions of the State Commercial Building Code adopted by Subsection (a) of this Section and/or the Uniform Dwelling Code adopted in Section 15-1-3, shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and 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) **Approval Requirements for New Methods and Materials.** 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 Wisconsin Department of Safety and Professional Services 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) **Manufacturer's Installation Requirements.** 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 Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

Sec. 15-1-6 Unsafe Buildings.

Whenever the Building Inspector, Village Board and/or their designees find any building or part thereof within the Village of Star Prairie 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, such Village authorities 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 of Star Prairie. 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."

Sec. 15-1-8 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Village of Star Prairie shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:

- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - (7) A description of the method of demolition to be used; and
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event

of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Village Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.

- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- (f) **Miscellaneous Provisions.**
 - (1) 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.
 - (2) 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.
 - (3) All debris must be hauled away at the end of each week for the work that was done on that week. 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.
 - (4) 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.
 - (5) 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. 15-1-9 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring 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. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll 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. 15-1-10 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 (1) 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 (1) unit without disturbing other units.
- (c) A common sewer service can be used for duplex and multiple unit structure from the sewer main to the structure.

Sec. 15-1-11 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) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Village Assessor.
- (c) **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.
- (d) **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 bond responsible for the payment of same.
- (e) **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.

(f) **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 Star Prairie in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the 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.

- (g) **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, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

(h) **Village Board Approval.**

- (1) No such permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the

building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Village or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Village Board, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection hereof to the effect that he will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Village Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Village. The Village Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Village Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Village Clerk-Treasurer who shall send a copy of it to the Building Inspector.

Sec. 15-1-12 Construction Sites; Maintaining Clean Streets.

Village streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Village of Star Prairie will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

Sec. 15-1-13 Fees.

- (a) **Fees.** The Building Inspector shall annually submit his/her fee schedule to the Village Board for review. The fee schedule shall be submitted to the Board at least sixty (60) days prior to the expiration of the current Building Inspector contract term.
- (b) **No Penalty Permit.** In the event work is commenced prior to obtaining a building permit, all fees shall be doubled.

Cross-Reference: Section 3-2-14(e), Payment of Impact Fees.

Sec. 15-1-14 Penalties and Violations.

- (a) **Violations.** Any building or structure in the Village of Star Prairie 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 Section 1-1-6 of this 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) **Compliance; Penalties.**
 - (1) **Notice of Noncompliance.** 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. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to SPS 320.10, Wis. Adm. Code.
 - (2) **Stop-Work Orders.** 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 a Separate Offense.** 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 of Star Prairie from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

- (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

(c) **Appeals.**

- (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services for a UDC interpretation.

- (2) **Board of Appeals Review.** Any person feeling aggrieved by an order or a determination of the Building Inspector and/or other Village official administering this Chapter 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) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Star Prairie charged with the enforcement of this Chapter shall render himself/herself 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/her 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/her 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	Intent; Authority
15-2-2	Findings and Purpose
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15-2-8	Permit Application, Control Plan and Permit Issuance
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Sec. 15-2-1 Intent; Authority.

- (a) **Intent.** The intent of this Chapter is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities.
- (b) **Authority.** This Chapter is adopted under the authority granted by Sec. 61.354, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) The Village Board finds runoff from large construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.
- (b) It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and the 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 discharged from construction sites to streams and wetlands.

Sec. 15-2-3 Applicability of Chapter.

This Chapter applies to land disturbing and land developing activities on lands of five (5) acres or more, and of street excavation projects of one hundred (100) feet or more, in the Village of Star Prairie; and optionally, similar projects subject to the extraterritorial authority of the Village under Chapter 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

Sec. 15-2-4 Definitions.

The following definitions are applicable in this Chapter:

- (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.
- (c) **Construction Site Control Measure.** A control measure used to meet the requirement of Section 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 Village of Star Prairie.
- (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 vegetative 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 an interest in land.
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- (k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (l) **Set of One (1) Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of one-half (0.5), one (1), two (2), three (3), six (6), twelve (12) and twenty-four (24) hours that occur approximately once per year. (Note: the following are typical characteristics of these one (1) year storms for most of Wisconsin:

Storm Duration (hours)	Average Rain Intensity (inches/hour)	Total Rain (inches)
0.5	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 of five (5) acres or more, or a street surface of one hundred (100) lineal feet or more, included in the legal description of the land on which 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 identified by the Village of Star Prairie.

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 Pollutants During Land Disturbance and Development.

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities.
- (1) Those lands over five (5) acres in area requiring a subdivision plat approval; commercial, industrial or institutional buildings on lots of five (5) acres or more; or
 - (2) Those projects of one hundred (100) lineal feet or more involving street, highway, road, or bridge construction, enlargement, relocation, or reconstruction; or

- (3) Those projects involving the laying, repairing, replacing, or enlarging of an underground pipe or facility for a distance of one hundred (100) feet or more.
- (b) **Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a):
 - (1) **Site Dewatering.**
 - a. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, 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 Village of Star Prairie. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

(Note: There are many ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low [one (1) gal/min], then an inclined or vertical enlarged pipe [about eight (8) inches in diameter for one (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 [one hundred (100) gal/min] pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" [about four and one-half (4-1/2) feet across for a one hundred (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 pumping rates [ten thousand (10,000) gal/min], sediment basins [about thirty-five (35) feet in diameter for a pumping rate of ten thousand (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.
 - b. The performance standard of one hundred (100) micron maximum particles in the dewatering water at the maximum pumping rate significantly reduces the liability of the contractor when compared to a standard of "no visible particulate matter". If a properly sized device is correctly used, based on the one hundred (100) micron particle size performance standard, then discharges of visible particulate matter would not constitute a violation. It is not possible to design a control device that would insure "no visible particulate matter" discharges. This one hundred (100) micron standard is intended to significantly reduce sedimentation problems in downstream drainage systems and in the receiving waters that are caused by large particles. "Visible particulate matter" will probably still occur

in water meeting this standard, as most turbidity effects are caused by very small particles that usually do not cause as severe of a sedimentation problem as larger particles. This one hundred (1000 micron particle size performance standard was therefore selected to be easily met and enforced, and to reduce sedimentation problems. A "no visible particulate matter" standard in contrast could not be met easily or cheaply, violations would frequently occur, and inspectors would have to make frequent site visits and require frequent control device changes. In addition, particle size measurements would not be required to prove compliance with the one hundred (100) micron performance standard. Only the proper use of a device designed to meet this particle size criteria is needed. However, if a contractor or site engineer feels that the dewatering water does not contain any particles larger than one hundred (100) microns, no control device would be needed if optional frequent particle size analyses confirm that fact. In most cases, the use of the simple control devices described previously would be less expensive and less bothersome than performing frequent particle size analyses.)

- (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. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
- (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 (a. through d.) 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 (b)(5)c. Sheetflow 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 one-half (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 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 (1) time.

- c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following criteria:
 - 1. For sites of 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.
 - 2. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) 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 one-half (0.5) to twenty-four (24) hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- 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 fifteen (15) feet to a roadway or drainage channel.
- e. In-street utility repair or construction soil or dirt storage, for applicable project sites, must be protected with straw bale or other appropriate filtering barriers to prevent down-site erosion.

Sec. 15-2-8 Permit Application, Control Plan and Permit Issuance.

- (a) **Approval.** 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 Village of Star Prairie. The landowner or land user shall submit an application for a permit and a control plan and pay an application fee to the Village. By submitting an application, the applicant authorizes the inspector designed by the Village to enter the site to obtain information required for the review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities Covering Five (5) Acres or More.**
 - (1) **Existing Site Map.** A map of the existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas. The site plan to include:

- a. Site boundaries and adjacent lands which accurately identify the site location.
- b. Site identification information to include all streams, wetlands, channels, ditches and other water courses, flood plain information, information on vegetative cover, locations and dimensions of storm water drainage systems, and natural drainage patterns; locations and dimensions of utilities, structures, roads.
- (2) **Site Construction Plan.** Location, description, and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter. Provisions for maintenance of the construction site control measures during construction.
- (3) **Plan of Final Site Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (c) **Review of Control Plan.** Within ten (10) work days of receipt of the application, control plan, and fee, the inspector designated by the Village will review the application and control plan to determine if the requirements of this Chapter are met. If the requirements of this Chapter are met, the inspector shall approve the plan, and issue the permit. If the requirements of this Chapter are not met, he shall so advise the applicant of the reasons for disapproval of the permit.
- (d) **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 Village of Star Prairie may extend the period one (1) or more times for up to an additional one hundred eighty (180) days. The Village of Star Prairie may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
 - (2) **Surety Bond.** As a condition of approval and issuance of the permit, the Village of Star Prairie 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.
 - (3) **Permit Conditions.** All permits shall require the permittee to:
 - a. Notify the Village of Star Prairie within forty-eight (48) hours of commencing any land disturbing activity.
 - b. Notify the Village of Star Prairie of completion of any control measures within fourteen (14) days after their installation.
 - c. Obtain permission in writing from the Village of Star Prairie prior to modifying the control plan.
 - d. Install all control measures as identified in the approved control plan;
 - e. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
 - f. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;

- g. Inspect the construction control measures after each rain of one-half (0.5) inches or more and at least each week and make needed repairs;
- h. Allow the Village of Star Prairie 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.

Sec. 15-2-9 Inspection.

- (a) The Inspector shall inspect construction sites as often as he deems it appropriate to insure compliance with this Chapter.
- (b) If land disturbing or land development activities are being carried out without a permit, the Inspector shall enter the land pursuant to the provisions of Sections 66.122 and 66.123, Wis. Stats.

Sec. 15-2-10 Enforcement.

- (a) The Village of Star Prairie 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;
 - (2) The control plan is not being implemented in a good faith manner; or
 - (3) 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 Village of Star Prairie 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 Village of Star Prairie may request the Village Attorney to obtain a cease and desist order.
- (d) The Village of Star Prairie or the Board of Appeals may retract the stop-work order or the revocation.

Chapter 3

Fair Housing

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

Sec. 15-3-1 Statement on Fair Housing.

- (a) **Statement of Purpose.** It is hereby declared to be the policy of the Village of Star Prairie to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, family status, 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.
- (b) **State Statutes Adopted.**
 - (1) **Adopted by Reference.** The statutory provisions of Sec. 101.22, Wis. Stats., and subsequent amendments thereto, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.
 - (2) **Implementation.** The officials and employees of the Village of Star Prairie shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Star Prairie by implementing the authority and enforcement procedures set forth in Sec. 101.22, Wis. Stats.

State Law Reference: Sec. 101.22, Wis. Stats.

Sec. 15-3-2 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.
- (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. 15-3-3 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 for 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/her 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
- (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/she has opposed a practice declared unlawful by this Chapter, or because he/she 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 thereunder; 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/her 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/her 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/her 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.

Sec. 15-3-4 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/her 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 15-3-3 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.

Sec. 15-3-5 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 Chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.

Chapter 4

Minimum Property Maintenance Standards

15-4-1	Minimum Property Maintenance Standards
15-4-2	Definitions
15-4-3	Prohibition of Litter, Rubbish or Debris
15-4-4	Housing Appearance
15-4-5	Notice and Remedy
15-4-6	Other Methods Not Excluded
15-4-7	Cost of Abatement

Sec. 15-4-1 Minimum Property Maintenance Standards.

- (a) **Policy.** There exist in the Village of Star Prairie, structures, residential yards or vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Village.
- (b) **Purpose.** The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Section does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Section be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

Sec. 15-4-2 Definitions.

For purposes of this Chapter, the following definitions shall be applicable:

- (a) **Abandoned Dwelling.** A dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed

to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

- (b) **Accessory Structure.** A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.
- (c) **Blighted Area.** Any area (including a slum area) in which a majority of the structures are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to all ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare.
- (d) **Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.
- (e) **Deterioration.** The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use.
- (f) **Dilapidated.** Describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.
- (g) **Dwelling.** Any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (h) **Nuisance.** Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Wisconsin or the Village of Star Prairie Code of Ordinances. Further a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public or
 - (2) In any other way render the public insecure in life or in the use of property;
- (i) **Occupant.** Any person living, sleeping or having actual possession of a building.
- (j) **Owner.** Any person who, alone or jointly or severally with others:
 - (1) Shall have legal title to any premises, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

- (k) **Person.** Any natural individual, firm, trust, partnership, association or corporation.
- (l) **Premises.** A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (m) **Refuse.** All putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.
- (n) **Rubbish.** Nonputrescible solid wastes (excluding ashes) consisting of either:
 - (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
 - (2) Noncombustible wastes such as tin cans, glass or crockery.

Sec. 15-4-3 Prohibition of Litter, Rubbish or Debris.

No owner or occupant shall, accumulate or allow the accumulation outside of a building or accessory structure of waste matter, litter, refuse, rubbish, lumber, metal scraps, machine parts, discarded or non-functioning appliances, accessories, furniture or other material on such property which present a blighted appearance on the property or which constitutes a nuisance or which tends to decrease the value of neighboring properties.

Sec. 15-4-4 Housing Appearance.

- (a) **Minimum Standards.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling or family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.
- (b) **Foundations, Exterior Walls and Roofs.** No person shall be an owner or occupant of any premises which does not comply with the following requirement:
 - (1) Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board of timbers.
 - (2) Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application.
 - (3) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

- (4) Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
 - (5) Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
- (c) **Grading and Drainage of Lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (d) **Accessory Structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.
- (e) **Abandoned Dwellings.** The owner of any abandoned dwelling shall:
 - (1) Cause all services and utilities to be disconnected from or discontinued to said dwelling;
 - (2) Lock all exterior doors and windows of said dwelling;
 - (3) Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weathertight, waterproof, rodentproof, structurally sound, and in good repair such that they comply with Subsection (b); and
 - (4) Maintain the yard and accessory structures such that they comply with Subsections (c) and (d).
- (f) **Nuisances.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

Sec. 15-4-5 Notice and Remedy.

- (a) Upon determination by the Village Building Inspector of a violation of this Chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation.
- (b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.
- (c) The person so notified shall have the right to appeal the decision of the Building Inspector to the Village Board within thirty (30) days of the date of notice.
- (d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Village Building Inspector shall file an action

in the name of the Village in the Circuit Court for St. Croix County, Wisconsin, in accordance with the provisions of Chapter 823, Wis. Stats., as amended from time to time.

Sec. 15-4-6 Other Methods Not Excluded.

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Village of Star Prairie or its officials in accordance with the laws of the State of Wisconsin or Village ordinances.

Sec. 15-4-7 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Chapter 5

Commercial Property Exterior Maintenance Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Safe, Sanitary and Attractive Maintenance of Property
15-5-4	Fixing Responsibility of Owners, Operators and Occupants
15-5-5	Enforcement, Service of Notices and Orders and Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Star Prairie Commercial Property Exterior Maintenance Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic and monetary values.
- (b) It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Safe, Sanitary, and Attractive Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.

- (b) **Minimum Requirements.** Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:
- (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special assessment against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, and Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary, and substantial condition. Approved walks shall provide all-weather access to buildings or structures.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.
 - (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
 - (7) **General Requirements.** Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 - (8) **Windows and Doors.** Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and kept in proper repair. All

door and window hardware shall be installed and maintained in proper working condition.

- (9) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code.
- (10) **Removal of Debris.**
- a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

Sec. 15-5-4 Fixing Responsibility of Owners, Operators and Occupants.

Every owner, operator, or occupant of a commercial property, or part thereof, shall maintain that portion of the exterior of the property controlled by him/her.

Sec. 15-5-5 Enforcement, Service of Notices and Orders and Hearings.

Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor and commence an enforcement action pursuant to Chapter 4 of this Title.

Chapter 6

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-6-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The Village of Star Prairie, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Village Clerk-Treasurer.
- (2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. The ADA Compliance Committee should consist of five (5) members, and should, if possible, have a representative from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.
- (3) In the alternative, the duties of the ADA Compliance Committee may be delegated to a standing committee of the Village Board.
- (4) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
- (5) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

- (1) Complaints shall be filed with the ADA Coordinator, in care of the Village Clerk-Treasurer.

- (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
 - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
 - (6) The Village Clerk-Treasurer shall maintain the files and records of the Village relating to the complaints filed.
- (c) **Appeals.**
- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
 - (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.
- (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 state or federal remedies. 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 and to meet appropriate due process standards.

Chapter 7

Historic Preservation

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Sec. 15-7-1 Declaration of Public Policy.

The Village Board hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this Section is to:

- (a) Safeguard the cultural resources of the Village of Star Prairie by preserving sites, structures, landmarks and districts which reflect elements of the Village's cultural, social, economic, political, visual or architectural history.
- (b) Protect and enhance the Village's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- (c) Foster civic pride in the beauty and notable achievements of the past.
- (d) Enhance the visual and aesthetic character, diversity and interest of the Village.
- (e) Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the Village with respect to the cultural, civic, architectural and historic heritage of the Village.

Sec. 15-7-2 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (a) **Committee.** The Historic Preservation Committee created hereunder.
- (b) **Cultural Resources.** Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the Village, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.
- (c) **Historic District.** An area of the Village which contains one (1) or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the Village zoning map.
- (d) **Historic Site.** Any area, place, structure, land or other object which has been duly designated by the Village Board; this includes prehistoric aboriginal sites.
- (e) **Landmark.** A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.
- (f) **Structure.** Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the Village.

Sec. 15-7-3 Powers and Duties of Historic Preservation Committee; Procedure for Designation of Sites, Structures, Landmarks and Districts.

- (a) **Composition.**
 - (1) The Village Board shall establish a five (5) member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the Village. In this role, the Historic Preservation Committee will act in an advisory capacity to the Village Board in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the Village. In the alternative, the duties of the Committee may be delegated to a standing committee of the Village Board.
 - (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one (1) or more of the following qualities:
 - a. Active interest in the historic preservation of the Village of Star Prairie.
 - b. Knowledge of the history of the Village and its environs.
 - c. Expertise and knowledge concerning architecture and archeology.
 - d. Ability to utilize authoritative resources concerning historic preservation.

- (3) The initial five (5) member committee shall be appointed to serve terms as follows: position number one (1), one (1) year; position number two (2), two (2) years; position number three (3), three (3) years; position number four (4), four (4) years; and, position number five (5), five (5) years. As each term expires, a new appointment or reappointment shall be made by the Village Board for a term of five (5) years. The Historic Preservation Committee shall furnish recommendations to the Village Board for consideration for new appointments.
 - (4) The Historic Preservation Committee shall elect a chairperson to serve a one (1) year term. This chairperson may be reelected or a new chairperson may be elected annually.
 - (5) The Historic Preservation Committee shall hold regular meetings six (6) times annually. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three (3) members.
 - (6) The Village Board and Building Inspector shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the Village's program of historic preservation.
- (b) **Inventory of Cultural Resources.** The Village Board shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the Village for consideration for placement on the historic register of the Village. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under Section 15-7-4 below.
 - (c) **Nomination of Properties.** Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Village Board. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
 - (d) **Notice to Owners.** The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
 - (e) **Restrictive Covenant.** The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the Village Assessor of such covenant and the conditions thereof.
 - (f) **Assistance With Other Registrations.** The Historic Preservation Committee shall provide encouragement, information and assistance to owners of Village designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.

- (g) **Promotional Activities.** The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.
- (h) **Subcommittees.** The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the Village in the interest of historic preservation.
- (i) **Funding.** As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the Village. Funds for such purposes shall be placed in a special Village account.

Sec. 15-7-4 Criteria for Determining Eligibility.

In determining the eligibility of any area, site, place, building, structure or district within the Village as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- (a) Its character, interest or value as a part of the history or cultural heritage of the Village, State or United States.
- (b) Its association with the persons or events which have made a significant contribution to the cultural heritage.
- (c) Its potential to yield information important in history or prehistory.
- (d) Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- (e) Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the Village.

Sec. 15-7-5 Register of Historic Sites, Structures, Landmarks and Gifts.

The Village of Star Prairie shall maintain a register of historic sites, structures, landmarks and districts.

Sec. 15-7-6 External Alteration of Designated Property.

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and

recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in *The Secretary of the Interior's Standards for Rehabilitation*.

Sec. 15-7-7 Transfer of Historically Designated Property.

- (a) The Village Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.
- (b) The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this Section.

Sec. 15-7-8 Review of Permits.

- (a) Notification of every application for building, zoning or demolition permits for properties on the Village register shall be given by the Village Building Inspector or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Village Board concerning the proposed permit.
- (b) Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Village Board within thirty (30) days. The Village Board, will vote to decide if the permit will be issued or denied.
- (c) The Village Board, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Village Board shall consider the following factors:
 - (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
 - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- (d) The Historic Preservation Committee may also recommend to the Village Board variations which are comparable to the proposed changes if the Village Board determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another thirty (30) days to determine such variations. The Committee's recommendation shall be considered by the Village Board before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- (e) Nothing contained in this Section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to

any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required. The Village Board reserves the right to waive permit fees under this Chapter.

Sec. 15-7-9 Designation of Repository for Documents.

The Village of Star Prairie Village Hall is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.

