

ORDINANCE NO.5261

A SECOND AMENDED ORDINANCE to amend various sections of the Code of Ordinances of the City of La Crosse to provide code language cleanup and clarification for code enforcement.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 103-33. is hereby amended to read as follows:

The provisions of Wis. Admin. Code chs. SPS 320—325, 361—366 and ch. NR 116, the current version adopted by the State of Wisconsin of the 2009 International Existing Building Code and the 2009 International Building Code are hereby adopted by reference and made a part hereof.

SECTION II: Section 103-34. (c) (1) & (2) is hereby amended to read as follows:

(1) All applications for building permits shall be accompanied by specifications and plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings and accessory buildings existing, and the lines within which the buildings or structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine compliance with this article. One copy of the plans shall be returned to the owner when approved. Plans which do not contain sufficient information to determine compliance with this article shall be rejected. Plans shall be drawn to scale upon substantial paper or ~~cloth~~ electronic. Essential parts shall be drawn to a scale of not less than one-eighth inch to one foot. Plans and specifications shall describe the work proposed sufficiently to show compliance with the law. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Fire Department = ~~Division of Fire Prevention and Building Safety~~. All plans shall bear the name of the architect, engineer, or person responsible for their preparation, and in no case shall permits be issued when such person has failed to comply with Wis. Stat. § 102.31. At the discretion of the Fire Department ~~Division of Fire Prevention and Building Safety~~, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

(2) All applications for demolition or wrecking permits shall be accompanied by a drawing showing the size and location on the lot of the building, buildings or structures to be demolished, the owner of the property, the owner's address, the name of any contractor and the contractor's address who is to perform the demolition. The application shall also show the current zoning of the lot or parcel of land where the building or structure to be demolished is located as well as the intended use of the lot or parcel of land after demolition. The application shall also contain the required signoffs that all utilities are properly cut and capped and any other information deemed necessary by the Fire Department ~~Division of Fire Prevention and Building Safety~~ on forms provided by the Fire Department ~~Division of Fire Prevention and Building~~

~~Safety~~. All applications shall be signed by the owner of the building or the owner's authorized representative.

SECTION III: Section 103-34. (f) (1) & (2) is hereby amended to read as follows:

(1) The Chief Inspector 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:

(2) The notice revoking a building, plumbing, HVAC or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and the owner's agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Fire Department ~~Division of Fire Prevention and Building Safety~~. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction 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 division, 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 division. However, such work as the Chief Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

SECTION IV: Section 103-34. (g) (1) is hereby amended to read as follows:

(1) Except as otherwise provided herein, permits shall expire if the building or work authorized is not commenced within six calendar months from the date of ~~such permit~~ the permit is issued, or is suspended, abandoned or substantial progress is not shown for a period of 60 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be the same amount required for a new permit. For purposes of this section, the term "substantial progress" shall mean at least 20 percent of the exterior coverings applied or 20 percent of the project completed as determined by the Fire Department ~~Division of Fire Prevention and Building Safety~~.

SECTION V: Section 103-34. (h) (8) is hereby repealed.

~~(8) The Fire Department - Division of Fire Prevention and Building Safety shall issue a statement showing permit fees to be paid, which statement shall be filed with the Director of Finance/Treasurer and payment thereof made by the applicant. Upon presentation to the Fire Department - Division of Fire Prevention and Building Safety of the receipt of the Director of Finance/Treasurer showing the payment of all required fees, it shall thereupon issue the permit.~~

SECTION VI: Section 103-34. (h) (9) is hereby amended to read as follows:

~~(9)~~ (8) In addition to the above fees, there shall be paid the costs of the State Seal as provided for in Wis. Admin. Code § SPS 320.09.

SECTION VII: Section 103-34. (j) is hereby amended to read as follows:

(j) *Permits for properties located in the floodway district and flood zoning overlay districts.* All permits for new structures or buildings or substantial improvements to existing structures or buildings located in the Floodway District or Flood Zoning Overlay Districts shall include an elevation certificate, FEMA Form ~~81-31~~ 086-0-33, signed by a land surveyor, engineer or architect who is authorized by State or local law to certify elevation information.

SECTION VIII: Section 103-35. (a) & (c) is hereby amended to read as follows:

(a) *Approval.* The Fire Department ~~—Division of Fire Prevention and Building Safety~~, upon notification by the permit holder or his agent in writing, via phone or electronic means ~~and upon forms furnished by the Fire Department —Division of Fire Prevention and Building Safety for that purpose~~, shall make the following inspections, and shall either approve the construction inspected or shall notify the permit holder or his agent, in writing, wherein the construction fails to comply, and shall establish a period of time to bring about compliance. Copies shall be forwarded to all parties concerned. Approval of inspection shall be indicated by initialing or stamping the permit placard on the job site at space provided for that purpose.

(c) *Certificate of occupancy required.* No owner shall use or permit the use of any building or premises hereafter constructed, changed, converted, remodeled, altered, repaired, enlarged, or moved, until a certificate of occupancy shall have been issued by the Fire Department ~~—Division of Fire Prevention and Building Safety~~, except the temporary occupancy of residences buildings by the owner's pending the completion of the building when approved in advance in writing by the Fire Department ~~—Division of Fire Prevention and Building Safety~~. Such certificate shall show that such building or premises, and the proposed use thereof, are in conformity with the provisions of this Code and other ordinances of the City.

SECTION IX: Section 103-98. (a) is hereby amended to read as follows:

(15) The Fire Chief may, at their discretion, on a case-by-case basis, deviate from the requirements in this Section.

SECTION ~~X~~: Section 103-103. (b) is hereby amended to read as follows:

(b) Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately upon displacement; the entire building shall be removed including the footing and foundation; all dry mortar, lime, brick dust, plaster, or other

flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property; and all sidewalks shall be protected by fences and scaffolds as required by this Code for the protection of sidewalks during the erection of buildings.

SECTION XI: Section 103-103. (e) is hereby created to read as follows:

(e) In the event that removing a footing and/or foundation wall will be detrimental to the public right of way, neighboring building or property, that requirement may be waived at the discretion of the Fire Department – Division of Community Risk Management. A Certified Survey Map shall be recorded at the Register of Deeds showing the exact location of any footing and/or foundation wall not being removed.

SECTION XII: Section 103-137. (a) is hereby amended to read as follows:

(a) No person, firm or corporation shall install, alter, repair or replace electrical equipment or fire alarm systems, or engage in the business of said installations, alterations, repairs or replacements, for any purpose whatsoever in the City of La Crosse without first having procured the required license or registration as prescribed in this section unless Wis. Stat. 101.862(4) (b), through (q) are met.

SECTION XIII: Section 103-138. (a) is hereby amended to read as follows:

(a) Electrical permits. No electrical equipment, low voltage, communications wiring, grounding/bonding, fixtures or fire alarm system shall be installed, altered, repaired or replaced in the City of La Crosse without the Electrical Contractor or Fire Alarm Contractor first securing an electrical permit therefore from the Fire Department - ~~= Division of Fire Prevention and Building Safety~~. The application for such permit shall be on forms provided by Fire Department ~~– Division of Fire Prevention and Building Safety~~ and shall include such plans, specifications, and other information as are requested by the Fire Department ~~– Division of Fire Prevention and Building Safety~~. All later deviations from such plan shall first be approved in writing.

SECTION XIV: Section 103-135. is hereby repealed and recreated to read as follows:

~~This article shall apply to all installations, alterations, repairs and replacement of electrical wiring, material, fittings, devices, appliances, fixtures, apparatus, and machinery, hereinafter referred to as "electrical equipment," and fire alarm systems in addition to the requirements of article IV of section 14.~~

This code shall apply to the installation, reconstruction, alteration, extension and repair of wiring, grounding/bonding and equipment for heat, light, power, control, voice, data, CATV, fire alarm, security systems and other low voltage work (100 volts or less). Materials, fittings, devices, appliances, luminaries, apparatus and the like used as part of or in conjunction with said installations shall be referred to in this code as "equipment" or "electrical equipment" unless specifically stated otherwise.

SECTION XV: Section 103-138. (e) (1) is hereby amended to read as follows:

- (1) Permit fees shall be based on the physical value of the work to be done, including labor and equipment, as determined by Fire Department ~~Division of Fire Prevention and Building Safety~~ on the basis of current costs in the amount established by resolution.

SECTION XVI: Section 115-390 (2) (c) is hereby amended to read as follows:

(c) In all residential zoning districts the aggregate building area of all detached accessory buildings shall not exceed 35 percent of the area of the rear yard of the parcel upon which they are to be built, up to a maximum 1,000 square feet of aggregate area of detached accessory buildings; provided, however, that the maximum aggregate area of all residential accessory buildings shall in no case exceed the gross finished floor area of the dwelling unit, excluding unfinished basement areas, to which they are accessory. Such detached residential accessory buildings may be placed in the rear, or side yard when not in conflict with any other requirement of this Code. Detached accessory buildings in the rear yard shall maintain minimum rear yard and side yard setbacks of two feet including roof line. In addition, to the requirements set forth above, a property with a tuck under garage shall be permitted to construct an unattached garage provided that the aggregate area of the two garages do not exceed all of the limits set forth above. The term "tuck under garage" means an attached garage which is built into the footprint of the ~~principle~~ principal structure and located below a habitable area of the house in its entirety. A garage shall be constructed of similar building materials and shall be similar in appearance as the principal structure. For purposes of this section, ~~a one~~ shed no larger than 120 square feet is permitted as an accessory structure but shall also count toward the 35 percent coverage allotment and the 1,000 square foot maximum building footprint.

SECTION XVII: Section 36-77. (b) is hereby amended to read as follows:

(b) Solid waste haulers shall notify the ~~City Refuse & Recycling Coordinator Fire Department~~ Fire Department before discontinuing refuse and/or recycling service for any non-City serviced dwelling or any private, commercial or industrial customer if such discontinuation will result in a dumpster or other refuse container being left unserved at the customer's site..

SECTION XVIII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION XIX: This ordinance shall take effect and be in force from and after its passage and publication.

/s/
Mitch Reynolds, Mayor

/s/
Nikki M. Elsen, City Clerk

Passed: 9/14/2023
Approved: 9/18/2023
Published: 9/23/2023