

CHAPTER 16

BUILDINGS REGULATIONS

16.01 BUILDING REGULATIONS

16.01(1) APPLICABILITY OF BUILDING REGULATIONS

16.01(1) (A) One and two family dwellings, the initial construction of which was commenced after June 1, 1980.

16.01(1)(A) (1) Purpose. The purpose of this Ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code (hereinafter "UDC").

16.01(1)(A) (2) Scope. Included in the scope of this Ordinance are the construction and inspection of one- and two-family dwellings built since June 1, 1980 (hereinafter "UDC Dwellings"). The Ordinance also covers dwellings, structures, public businesses, and places of employment other than UDC Dwellings. Structures and buildings that are not UDC Dwellings are referred to hereinafter as "Non-UDC". See paragraph (1)(B).

16.01(1)(A) (3) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all UDC Dwellings.

16.01(1)(A) (4) UDC Building Inspector.

16.01(1)(A)(4) (A) There is hereby created the position of "UDC Building Inspector". The UDC Building Inspector shall administer and enforce this Ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (NOTE: Contact the Division of Safety & Buildings at (608) 261-8500 for certification information.) The UDC Building Inspector shall be appointed in the manner set forth in Chapter 2.

16.01(1)(A) (5) Building Permit Required. For UDC Dwellings, no person shall alter, in excess of \$3,000.00 value in any twelve month period, build, add onto or alter any UDC Dwelling building within the scope of this Ordinance without first obtaining a Building Permit for such work from the UDC Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require Permits. Restoration or repair of an installation to its previous code compliant condition as determined by the UDC Building Inspector is exempted from Permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from Permit requirements.

16.01(1)(A) (6) Building Permit Fee. For UDC Dwellings the Building Permit fees shall be determined by Resolution and set forth in Appendix E.

16.01(1)(A) (7) Penalties. The enforcement of portions of this Chapter relating to the UDC and all other Laws and ordinances relating to buildings shall be by means of the withholding of Building Permits, imposition of forfeitures and injunctive action. See also paragraph 16.21.

16.01(1)(A) (8) Effective Date. This Ordinance shall be effective upon passage and publication as provided by Law.

(B) One and two family dwellings (the initial construction of which was commenced on or before June 1, 1980, Public Buildings, Public Structures and Places of Employment (Non-UDC).

16.01(1)(B) (1) Building Permit Required. For Non-UDC (i.e. one and two family dwellings, any remodeling, revision, or additions to such structures which are not subject to Chapter 101 Wisconsin Statutes, public buildings, public structures, and places of employment), all persons and entities are required to obtain a local permit from the City of Cornell, i.e. Non-UDC Building Permit. For Non-UDC, no person shall alter, in excess of \$3,000.00 value in any twelve month period, build, add onto, or alter any Non-UDC building within the scope of this Ordinance without first obtaining a Non-UDC Building Permit for such work from the Non-UDC Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require Permits. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from Permit requirements.

16.01(1)(B) (2) Non-UDC Building Inspector. There is hereby created the position of "Non-UDC Building Inspector". The Non-UDC Building Inspector shall administer and enforce this Ordinance with respect to Non-UDC including dwellings constructed before June 1, 1980 and shall administer and enforce this Ordinance with respect to all other structures, including all Non-UDC. The Non-UDC Building Inspector shall have such qualifications and certifications as the Common Council may require from time to time. The Non-UDC Building Inspector shall be appointed in the manner set forth in Chapter 2.

16.01(1)(B) (3) Non-UDC Building Permit Fee. For Non-UDC the Non-UDC Building Permit fees shall be determined by Resolution and set forth in Appendix E.

16.01(1)(B) (4) Penalties. Enforcement of portions of this Chapter relating to the Non-UDC and all other Laws and Ordinances relating to buildings shall be by means of the withholding of Non-UDC Building Permits, imposition of forfeitures and injunctive action. See also paragraph 16.21.

16.01(1)(B) (5) Effective Date. This Ordinance shall be effective upon passage and publication as provided by Law.

16.01(1) (C) Public Buildings, Public Structures and Places of Employment.

For public buildings, public structures and places of employment, a local permit is required. Pursuant to Section 101.12(3)(h) as defined in Sec. 101.01(2) Wis. Stats., a local permit cannot be granted until the applicant shows that required drawings and calculations have been examined by the Wisconsin Department of Commerce.

16.01(1) (D) All Other Buildings

All other buildings are subject to this Ordinance, unless jurisdiction to regulate is specifically reserved by State Statute or Federal Law.

16.02 BUILDING PERMITS/RELATIONSHIP TO OTHER LAWS

16.02(1) Building Permits Issued By Building Inspector

Building Permits for the City of Cornell shall be issued by the UDC Building Inspector for UDC Permits required by this Ordinance. For other construction, (i.e. Non-UDC), Non-UDC Permits shall be issued by the Non-UDC Building Inspector.

16.02(1) (A) Any remodeling, revision, or additions to such structures are subject to Chapter 101 Wisconsin Statutes to the extent that such Statutes apply to UDC and Non-UDC. Also, a City Building Permit is required for all construction to facilitate enforcement of Zoning Laws, Laws regarding private sewage systems Section 145.195) Wis. Stats. Laws requiring connection to municipal water and sewer systems, Laws regulating sidewalks and driveway openings, and other Laws not related to construction standards.

16.02(1) (B) Deputy Inspectors. The Non-UDC Building Inspector may appoint, subject to approval of the Common Council, one or more City employees or officials as Deputy Non-UDC Building Inspectors, and may delegate to them the powers and duties of his/her office. No such appointment shall carry with it an increase in salary or wages unless specifically authorized by the Common Council.

16.02(1) (C) The UDC Building Inspector and Non-UDC Building Inspector may consult with others and obtain expert assistance with respect to a particular project to determine if the project meets codes. If such outside assistance requires payment for such services, the Common Council must approve such disbursement. Consultation with attorneys for the City shall not require advance approval.

16.02(1) (D) Access to Premises. The UDC Building Inspector and Non-UDC Building Inspector and his/her subordinates may at all reasonable times, for any proper purpose, enter upon any public or private premises and may make inspection thereof and require the production of the permit for any building or the required license therefore. Reference Wis. Stats. §66.01 19 - Special Inspection Warrants.

16.02(1) (E) Interference With Inspector: No person shall interfere with the UDC Building Inspector or Non-UDC Building Inspector or his/her representatives in the performance of their duties.

16.02(1) (F) Records: The UDC Building Inspector and Non-UDC Building Inspector shall keep a record of all applications for respective Buildings Permits in a book for such purpose, and regularly number each respective Building Permit in the order of its issue.

16.02(1) (G) Public Records. In considering requests for plans under the Public Records Law, the Custodian shall observe Section 101.12(5), Wis. Stats. for "secure" buildings.

16.03 DEFINITIONS

16.03(1) The term "building" as used in this chapter shall include any building or structure; any enlargement, alteration, repairing, moving or demolishing of any building or structure, any new heating or ventilating installation or any material alteration at any of such existing installations and includes portable structures such as semi-trailers and milk truck boxes converted into building use.

16.03(2) The term "dwelling" includes every building occupied exclusively as a residence by not more than two families.

16. 04 PLANS TO BE SUBMITTED. With each application for a Building Permit, there shall be submitted to the respective Building Inspector, a complete set of plans and specifications furnished by the owner, including a situation plan showing the location of the proposed building. Drawings that do not show all necessary details to enable the respective Building Inspector to intelligently inspect the same shall be rejected. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Commerce. Prior to submission of an application for a Building Permit, each lot or site on which the proposed building is to be erected shall be properly surveyed and staked by a certified surveyor, if a survey is specifically demanded by the respective Building Inspector.

16.05 WAIVER OF PLANS. If in the opinion of the respective Building Inspector, the character of the work is sufficiently described in the application, he/she may waive the filing of plans, provided the estimated cost of such work does not exceed \$5,000.00.

16.06 APPROVAL OF PLANS: ALTERATIONS. If the respective Building Inspector finds that the proposed building will comply in every respect with all Ordinances of the City and all Laws and lawful orders of the State (except 101.65 and code provisions relating thereto) and the applicant has any required permits for private domestic sewage treatment and disposal systems from the pertinent county zoning office clerk (145.195 Wis. Stats.), he/she shall officially approve and stamp one set of the plans and return them to the owner and shall issue a Building Permit therefore, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with a written consent of the respective Building Inspector. In case adequate plans are presented, the respective Building Inspector may at his/her discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the Building Permit has been issued.

16.07 INSPECTION OF WORK. The builder shall notify the respective Building Inspector when the subject construction is ready and the respective Building Inspector, at his/her discretion, shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for sheet-rock, or before paneling is applied. After completion, the respective may make a final inspection of all buildings, additions and alterations

16.08 MINOR REPAIRS. No Building Permit shall be required for any minor repair or alterations or series of alterations which do not change the occupancy, area, structural strength, fire protection, exits, or ventilation of the building and which costs less than \$3,000.00. The respective Building Inspector may require proof that cost of the total project will be less then \$3,000.00. The respective Building Inspector's determination of whether occupancy, area structural strength, fire protection exists or ventilation is changed, shall be conclusive.

16.09 UNSAFE BUILDINGS. Whenever the respective Building Inspector finds any building or part thereof within the City to be in his/her judgment so old, dilapidated or so out of repair to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, he/she shall order the owner to raze or 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 proceeding shall be as provided in Section 66.0413 of the Wisconsin Statutes.

16.10 APPLICATIONS FOR PERMITS. All applications for Building Permits shall be in writing and filed with the respective Building Inspector on forms furnished by him/her. The place of filing is designated as the City Office. Each application shall contain the following information as well as such other information as may be required by the respective Building Inspector.

16.10(1) BUILDING PERMIT APPLICATIONS. Each application for a Building Permit shall state the name and address of the applicant, the name and address of the owner of the land on which the building is situated or is to be constructed, the name and address of the owner of the building, if different from that of the land owner, the legal description of the land, an estimated price of the construction project and the name and address of the designer. Plans required under Section 16.05 shall be submitted with each application.

16.11 ISSUANCE OF PERMITS

16.11(1) Upon approval by the respective Building Inspector of the application and upon compliance by the applicant with all requirements and payment of the required fee, a permit shall be issued by the respective Building Inspector to the owner or his/her agent for the work set forth in the application.

16.11(2) The respective Building Inspector may not issue a Building Permit for the remodeling, replacement or reconstruction of a mobile home such that the mobile home will become a permanent residence, but shall transmit the application to the Common Council with his/her recommendations regarding issuance thereon. The Common Council shall determine whether or not such permit shall be issued. If the Common Council decides to issue such permit, it may issue the permit subject to conditions which will ensure the safety, permanence, and residential character of the proposed reconstruction.

16.12 LAPSE OF PERMIT. A Building Permit shall have lapsed and be void unless operations under the permit are commenced within two years from the date the permit was issued unless

an extension of time shall be granted by the respective Building Inspector.

16.13 REVOCATION OF PERMIT. If the respective Building Inspector shall find at any time that the sections of this code are not being complied with, he/she shall revoke the Building Permit by written notice posted at the site of work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting work as the respective Building Inspector shall order to be done as a condition precedent to the re-issuance of the permit, or as he/she may require for the preservation of human life and safety. See Sec. 10.01(2)(C) for enforcement provisions.

16.14 REPORT OF VIOLATIONS. It shall be the duty of the City Police Department to report at once to the respective Building Inspector any building work being carried on without a permit as required by this chapter.

16.15 GAS APPLIANCES AND INSTALLATIONS

16.15(1) SALE OF APPLIANCES

16.15(1) (A) All gas appliances and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.

16.15(1) (B) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current models of gas appliances and accessories.

16.15(2) INSTALLATION OF APPLIANCES

16.15(2) (A) All gas appliances, accessories and piping systems shall be installed to conform to reasonable standards of safety.

16.15(2) (B) Installation of appliances, accessories, and piping that complies with the standards recommended by the American Standards Association in their manual entitled "Installation of Gas Appliances and Gas Piping" 1969 edition (as amended, updated or replaced) shall be considered prima facie as conforming to reasonable standards of safety.

16.15(2) (C) It shall be unlawful for any person, firm, or corporation, excepting an authorized agent or employee of the gas supplier, to turn on or reconnect gas services in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him/her or from turning on gas that he/she had temporarily turned off for the purpose of connecting an appliance or making repairs.

16.15(2) (D) It shall be unlawful for any person, firm or corporation to install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliances in quantities that will assure reasonably safe and uninterrupted operation.

16.15(3) ENFORCEMENT

16.15(3) (A) No person shall sell or offer for sale or install any gas appliance or accessories or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe or dangerous.

16.15(3) (B) The respective Building Inspector may disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this section on which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping which shall state that it has been disconnected and the reasons therefore, and such notice shall not be removed nor shall the appliance, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this section and its reconnection has been authorized by the respective Building Inspector.

16.16 SOLID FUEL BURNING. The purpose of this Section is to provide minimum standards and requirements for the safe installation of solid fuel burning appliances. All solid-fuel burning systems shall conform to the requirements of this section, all of the Municipal Code sections and any applicable provisions of the Wisconsin Administrative Code.

16.165 OUTDOOR SOLID FUEL HEATING SYSTEMS

(1) PURPOSE. The purpose of this section is to establish minimum standards and requirements for the safe and proper installation, operation, and use of outdoor solid fuel heating systems. The City has determined that potential safety, health, and public nuisance concerns exist with respect to the operation and use of outdoor solid fuel heating systems. The enactment of this section is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the potential uses and benefits of outdoor solid fuel heating systems.

(2) DEFINITIONS.

(A) In this section, “outdoor solid fuel heating system” means a system located outside a structure which burns combustible fuel for the purpose of creating heat for any primary or accessory structure.

(B) In this section, “regularly occupied by people” means used in whole or in part as a place of assemblage, lodging, trade, or occupancy by persons.

(3) PERMITTING AND INSPECTING.

(A) A permit is required prior to the installation, erection, or replacement of an outdoor solid fuel heating system within the City. A site plan demonstrating the outdoor solid fuel heating system’s location on the property and spatial relationship to adjoining/neighborhood properties, together with information necessary to determine compliance with this section and applicable standards and codes, shall be filed with the permit application. A fee for review of the permit application and inspection of the installation shall be required at the time of filing the permit application. The fee shall be established, from time to time, by resolution of the Common Council. The installation

shall be inspected by the Building Inspector for compliance with the approved plan, this section, and applicable standards and codes.

(B) The Building Inspector, with the aid of the Fire Inspector, shall be responsible for the review of site plans and all requirements regarding installation and design.

(4) REQUIREMENTS.

(A) An outdoor solid fuel heating system installed, erected, or replaced subsequent to the effective date of this section shall be constructed to meet current U.S. Environmental Protection Agency standards and be installed in accordance with the manufacturer's instructions. All electrical and plumbing shall be performed by qualified personnel and conform to the uniform building, electrical, and plumbing codes. An outdoor solid fuel heating system must be grounded by electrical wire connections and an independent ground rod. Electrical wire must be rated and approved for direct burial if it is to run underground or in wet conditions.

(B) An outdoor solid fuel heating system installed, erected, or replaced subsequent to the effective date of this section shall be constructed with self-contained weather-proofing with no additional structure enclosing the system. An outdoor solid fuel heating system shall be placed on a non-combustible, poured concrete slab a minimum of four (4) inches thick with at least four (4) inches of compacted, crushed stone as a base.

(C) An outdoor solid fuel heating system shall have a chimney that extends at least fifteen (15) feet above the ground surface. If any structure regularly occupied by people, other than the structure(s) serviced by the system, is within 100 feet of the outdoor solid fuel heating system, this chimney shall also extend at least as high as three (3) feet above the height of the highest roof of all such structures regularly occupied by people. All chimneys shall be designed, constructed, and maintained to withstand horizontal wind pressures of not less than thirty (30) pounds per square foot and also in accordance with the manufacturer's recommendations/requirements. Chimneys must be fitted with spark arrestors. Any existing, non-complying chimney shall be replaced or modified within a period of 30 days from receipt of a notice generated by the Building Inspector.

(D) An outdoor solid fuel heating system installed, erected, or replaced subsequent to the effective date of this section shall be a minimum of fifty (50) feet from an adjoining property line and shall not be located in any front or side yard

(E) An outdoor solid fuel heating system may only be operated and/or used for the period of time beginning on September 1 and ending May 31.

(5) PROHIBITED BURNING MATERIALS. An outdoor solid fuel heating system shall not be used to burn any of the following:

(A) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, paint or painted materials, furniture, construction or demolition debris, or other household or business wastes;

(B) Waste oil or other oil-based substances except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code;

(C) Asphalt and products containing asphalt;

(D) Treated or painted wood, including but not limited to, plywood, composite wood products, or other products that are painted, varnished, or treated with preservatives;

(E) Any plastic material, including but not limited to, nylon, PVC, polystyrene, urethane foam, synthetic fabrics, plastic films, or plastic containers;

(F) Rubber including tires and synthetic rubber-like products; and

(G) Newspaper, corrugated cardboard, containerboard, or office paper. Paper and cardboard products may be used as a starter fuel for a fire allowed under this section.

(6) **PUBLIC NUISANCE.** Smoke, fumes, gas, soot, cinders, or sparks produced by an outdoor solid fuel heating system that substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public may be declared a public nuisance and ordered abated. Complaints regarding public nuisances affecting health shall be made in conjunction with Cornell's Public Nuisance Ordinances, specifically, Chapter 12.3(J). Public nuisance complaints can be initiated by private citizens or the police department at any time of the year.

(7) **DISCONNECTION OR REMOVAL.** If an outdoor solid fuel heating system is deemed unsafe or in violation of this section by the Building Inspector, the Building Inspector will request that the police department investigate and issue citations if this section is being violated.

(8) **REPAIRS.** Repairs to an outdoor solid fuel heating system shall be made in accordance with manufacturer recommendations/requirements.

16.16(1) PERMITS AND INSPECTION. No person shall install, or cause to be installed or allow solid-fuel burning systems to be installed in a premises within the City of Cornell without first obtaining a permit from the Building Inspector

16.16(1)(A) Exceptions. No permit shall be required for work defined as "minor repairs". Minor repairs are defined as adjustments, replacement of parts or exchange of similar units.

16.16(1)(B) At the time of the application for the permit, the following information shall be provided to the respective Building Inspector:

16.16(1)(B) 1. Type of appliance and type of fuel to be used.

16.16(1)(B) 2. Name of manufacturer.

16.16(1)(B) 3. Maximum hourly BTU rating.

16.16(1)(B) 4. New or existing chimney.

16.16(1)(B) 5. Type of chimney and size of flue.

16.16(1)(C) **Inspection.** Inspection shall be done by the Building Inspector after the installation of the solid-fuel burning appliance, but before the appliance has been put in operation.

16.16(1)(C) 1. Where testing is deemed necessary by the Building Inspector, all material and assistance necessary for such tests shall be furnished by the installer.

16.16(1)(C) 2. Inspection shall be made between the hours of 8 a.m. and 5 p.m. or by special appointment.

16.16(1)(C) 3. The provisions of this Section shall not be construed as an assumption of liability by the City or its Building Inspector for any defective work or negligence in installation or operation of the solid-fuel burning appliance. The inspections required herein are advisory. Responsibility for safety of the installation or operation remains with the owner and/or installer.

16.16(2) **INSTALLATION REQUIREMENTS**

16.16(2) (A) **Chimneys.** All solid-fuel burning appliances shall be vented to the outside by an all-fuel factory built or masonry chimney designed to remove the products of combustion.

16.16(2)(A) (1) All chimneys or vents depending on a principle of gravity for the removal of the products of combustion shall extend at least 3 feet above the highest point where the chimney passes through the roof and at least 2 feet higher than any ridge, peak, wall or roof within 10 feet horizontally of the chimney.

16.16(2)(A) (2) Natural or mechanical draft chimneys shall have both the height and cross sectional area necessary to remove the products of combustions.

16.16(2)(A) (3) Connections. If there is more than one smoke pipe connected to a chimney, the connections shall be offset at least 12 inches vertically, or at right angles to each other or the appliances are connected to a single inlet through a common manifold. In all such cases, the size of the flue shall be sufficient to accommodate the total volume of flue gasses.

16.16(2)(A) (4) Every chimney shall be provided with a clean out opening at the base. Such openings shall be arranged to remain tightly closed when not in use.

16.16(2)(A) (5) Every chimney shall be designed to withstand wind pressures in accordance with the requirements of Wis. Adm. Code.

16.16(2) (B) Masonry Chimneys. The design and construction of a masonry chimney shall conform to the provisions of this Section.

16.16(2)(B) (1) Materials. The walls shall be built of brick or concrete chimney block. No chimney shall rest upon a flooring of wood nor shall any wood or combustible material be built into or in contact with any chimney. Combustible headers, beams, joists and studs shall be located at least 2 inches from the outside face of a chimney and at least 6 inches from the inside surface of the flue lining. The foundation for the chimney shall be designed and built in conformance with the requirements for foundations for buildings.

16.16(2)(B) (2) Flue Size. Chimney flue size shall be at least equal in area to that of the area of the connector from each appliance. Minimum flue sizes are 8" x 8" inside or 8" inside diameter.

16.16(2)(B) (3) Flue Linings. Masonry chimneys shall be lined with fireclay flue lining at least 5/8 inch thick laid in a full mortar bed of refractory mortar or with material that will resist corrosion, softening or cracking from flue gasses at temperatures up to 1800° F. Flue liners shall commence at the chimney footing and shall extend 4 inches above the enclosing brick or block.

16.16(2)(B) (4) Corbeling. Unless specifically designed, masonry chimneys shall not be corbeled from a wall more than 6 inches nor shall a masonry chimney be corbeled from a wall less than 12 inches thick unless it projects equally on each side of the wall. The corbeling shall not exceed 1-inch projection for each brick course.

16.16(2)(B) (5) Chimney Caps. Precast or cast in place concrete chimney caps shall be at least 2 inches in thickness and have a minimum overhang of 1 inch. There shall be a minimum of 1/4 inch soft joint between the flue and the chimney cap and the joint shall be caulked and sealed.

16.16(2) (C) Factory-built chimneys. Factory-built chimneys shall be of an approved type.

16.16(2)(C) (1) An approved type A, "residential type and building heating appliance" chimney or a "building heating appliance only" chimney may be used with solid-fueled heating appliances where the flue gas temperature does not exceed 1000°F. continuously and does not exceed 1400°F for infrequent brief periods of forced firing.

16.16(2)(C) (2) All factory-built chimneys shall be supported from non-combustible construction.

16.16(2)(D) (3) Combustible headers, beams, joints and studs shall be located at least four (4) inches from a factory-built chimney.

16.16(2) (D) Chimney Connectors. Chimney connectors, smoke pipes or stovepipes are all passages for conducting the products of combustion from a fuel-fired

appliance to the chimney. The construction and installation of chimney connectors shall conform with the following requirements:

16.16(2)(D) (1) Concealed Spaces. No chimney connector shall pass through any outside window, door or combustible outside wall, nor be concealed in any closet, attic or similar enclosed space.

16.16(2)(D) (2) Combustible Partitions. Connectors for appliances shall not pass through walls or partitions constructed of combustible material unless they are guarded at the point of passage by:

16.16(2)(D)(2) (a). Metal ventilated thimbles not less than 12 inches larger in diameter than the connector.

16.16(2)(D)(2) (b) Metal or burned 5 day thimbles built in brick work or other approved fire proofing materials extending not less than 8 inches beyond all sides of the thimble.

16.16(2)(D) (3) Distance from Combustibles. No part of any chimney connector shall be placed nearer to any combustible partition or wall than the diameter of the pipe, nor nearer to any non-fire resistive ceiling than 1 1/2 times the diameter. The above distances may be reduced by 1/2 if the wall or ceiling is covered with not less than 1/4 asbestos board covered with sheet metal or with equivalent protection. These clearances may be reduced - See Table COMM 23.15-C of Wis. Adm. Code.

16.16(2)(D) (4) Multiple Appliance Venting. Two or more listed appliances may be connected to a gravity type flue provided the appliances are equipped with listed primary safety controls and listed shutoff devices and comply with the following requirements.

16.16(2)(D)(4) (a) The appliances shall be located in the same story.

16.16(2)(D)(4) (b) The appliances shall enter a chimney inlet as specified in COMM 23.155, Wis. Adm. Code.

16.16(2)(D) (5) Pitch and Length. Chimney connectors shall have no more than two 45° offsets with the vertical. The horizontal length shall not exceed 75% of the total vertical height of the total venting system measured from the appliance outlet. Chimney connectors shall be pitched at least 1/4 inch per foot from the appliance outlet collar vent to the chimney outlet.

16.16(2)(D) (6) Dampers. A manual cast iron damper to control the draft shall be provided in the chimney connector next to the appliance.

16.16(2)(D) (7) Materials and Thickness. Chimney connectors serving solid fuel appliances shall conform to the type of material and thickness indicated in table COMM 23.15-A, Wis. Adm. Code.

16.16(2) (E) Floor Protection. Stoves may be installed on combustible floors

provided the floor is protected as specified in Sec. COMM. 23.04(4)(a), Wis. Adm. Code.

16.16(2) (F) Supplemental Furnaces. Supplemental wood-burning units connected to a furnace shall be connected to the warm air side of the furnace.

16.16(2) (1) The supplemental unit shall be provided with a back draft damper in its warm air supply duct.

16.16(2) (2) The area of the return air duct shall be at least equal to the area of the warm air supply duct.

16.16(2) (3) The blower on the furnace shall maintain the manufacturer's specifications for CFM and static pressure when the supplemental unit is in operation.

16.16(2) (4) The thermostat control on the supplemental unit shall activate the blower motor at a temperature between 100° and 120° F.

16.16(3) SMOKE DETECTOR. Each dwelling containing a solid-fuel burning appliance shall have at least one approved listed and labeled smoke detector, sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

16.16(4) FIRE EXTINGUISHERS. Every building containing a solid-fuel burning appliance shall have a portable, dry chemical fire extinguisher with a minimum 2A 20B-C rating in the area of the appliance.

16.17 APPEALS.

(1) Any person feeling himself or herself aggrieved by an order or ruling of a Building Inspector may file a written appeal from such order or ruling to the Common Council within five days after written notice of such order or ruling shall have been received by him/her. Such appeal shall set forth the order appealed from and shall be filed with the City Administrator. The notice of appeal shall state clearly and briefly the grounds of complaint and be accompanied by originals or copies of all papers and drawings submitted to the Building Inspector as well as all decisions, notices, or orders issued by him/her. Upon the hearing of the appeal, the Common Council shall make such decision and disposal of the matter as it deems just. Where a situation requires an immediate decision, that of the respective Building Inspector shall be final and conclusive.

(2) An appeal related to citations issued by the police department for violations of this section may be appealed to the City of Cornell Municipal Court.

16.18 NON-LIABILITY OF THE CITY. This chapter shall not be construed as assuming any liability on the part of the City for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any gas appliance or installation, or by reason of any inspections made or not made, or permits issued.

16.19 PENALTIES. Any person who violates any provisions of this chapter shall be subject to a forfeiture as prescribed in Section 1.05 of this code. Each day of violation shall constitute a separate offense. 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 a Building Inspector

constitute a defense. This Section shall not preclude the City from maintaining an appropriate action to prevent or remove a violation of this Chapter. The Council shall provide for the enforcement of the section and all other Laws and Ordinances relating to building by means of withholding of Building Permits, imposition of forfeitures and injunction action in accord with Sec. 62.23(9), Wis. Stats.

Reserved for future use

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