

Chapter 1

Building, Plumbing, Electrical and Heating and Ventilation Codes

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Article A: Building and Electrical Codes

Sec. 10-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Westport" 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. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Town of Westport, 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 in a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of Dane County and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

Sec. 10-1-2 Building Permits and Inspection.

- (a) **Permit Required.**
 - (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town of Westport 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 Town, 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.
 - (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 exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. *Alterations When Not Permitted.* When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. *Alterations and Repairs Required.* When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. *Extent of Deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector, or his/her designee, and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the building Inspector, or his/her designee, may require.
 - (c) **Design Review.** Design review of the project shall be required if necessary under the provisions of Section 10-1-3.
 - (d) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Town board, following a recommendation from the Building Inspector, or his/her designee, no building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and/or certified survey and required improvements are accepted by the Town Board or until a County Zoning Permit, if required, has been issued.
 - (e) **Plans.** With applications for new detached structures or additions, 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 Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. 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.

(f) **Waiver of Plans; Minor Repairs.**

- (1) **Waiver.** If the Building Inspector, or his/her designee, 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 Five Thousand Dollars (\$5,000.00).
- (2) **Minor Repairs.** The Building Inspector, or his/her designee, may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, or his/her designee, are valued at less than Five Hundred Dollars (\$500.00), including the fair market value of labor and materials, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(g) **Approval of Plans.**

- (1) If the Building Inspector, or his/her designee, determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Town, he/she 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, or his/her designee.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, or his/her designee, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) **Inspection of Work.** The contractor shall notify the Building Inspector, or his/her designee, when ready for inspections and the Building Inspector, or his/her designee, may inspect after notification all buildings at the following states of construction:

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

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

- (i) **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 thereof. The Building Inspector may issue a one-time six (6) month extension.

- (j) **Revocation of Permits.**

- (1) The Building Inspector, or his/her designee, may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- a. Whenever the Building Inspector, or his/her designee, shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
- 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 his/her designee, 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, or his/her designee, for the use of all new materials, equipment, methods or construction devices or appliances.

- (2) The notice revoking a building, plumbing, HVAC 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) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or his/her designee.

- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the building Inspector, or his/her designee, may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (k) **Report of Violations.** Town officers shall report at once to the Building Inspector, or his/her designee, any building which is being carried on without a permit as required by this Chapter.
- (l) **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.
- (m) **Agricultural Buildings.** Building permits are required for all agricultural or commercial buildings if such buildings have electrical or plumbing services.

Sec. 10-1-3 Design Review.

- (a) **Purpose.** Design review is implemented under municipal authority to promote the public health, safety and welfare. Requirements for design review and approval apply to uses and developments regardless of the character of the use or development within this chapter as a permitted use or conditional use.
- (b) **Scope of Design Review.**
 - (1) The following developments shall be subject to design review:
 - a. Development of residential projects consisting of three or more dwelling units.
 - b. Any commercial development.
 - c. Any industrial development.
 - d. Any development that is to be used for public utility or governmental purposes.
 - e. Any parking areas capable of holding five or more vehicles.
 - f. Any and all fencing, surfacing of parking areas, exterior lighting, exterior signage and any and all other exterior changes made in projects covered in (a)-(e) above.
 - (2) Design review shall be limited to development for which current application is made for a building permit or design review. This section shall not apply to any rehabilitated structure, as long as the size is not increased, the use thereof not changed, or alteration made that is the type or kind requiring design review pursuant to this section.
- (c) **Definitions.** For purposes of this section, the following terms shall be defined in the following manner:

- (1) ***Design Review*** means the review of the design of development to determine compliance of such development with the design standards herein expressed.
- (2) ***Development*** means any new construction or exterior improvement to real property for which a building permit may be required, and which would be subject to design review as provided at Section (b) above.
- (3) ***Town Planning Consultant*** means such Town planning consultant as shall be contracted by the Town Board upon recommendation by the Plan Commission.
- (4) ***Design Standards*** means the standards that proposed development must meet. Design standards shall be in accordance with all applicable Town ordinances, including but not limited to driveway and culvert requirements. Design standards are limited to the following:
 - a. Land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.
 - b. Building masses and long, straight building fronts and sides that are visually accessible may be broken up and made more variegated with staggerings and offsets, and with landscaping or surficial features. The front facade and street side facades shall be of brick, stone, architectural metal or wood and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding and the like are discouraged for such facade areas.
 - c. Within residential development, parking areas that are located in front or street side yards shall have landscape screening and/or screening by fencing having decorative character to soften views of parked vehicles, and shall have decorative landscape treatment at the perimeter of the lot, and, for multi-family residential lots containing five (5) or more parking spaces, island areas within the lot to provide break-up of the expanse of paving.
 - d. Rooftop mechanical equipment, communication dishes and signal receiving antennas that are readily visible when viewed from ground level of adjacent properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
 - e. External garbage or refuse containers shall be screened from common view by walls, beams or effective landscaping, or combinations thereof.
 - f. Each development shall provide landscaping, at the time of development of sufficient height and density to accomplish buffering to adjacent properties within five (5) years.
 - g. Each development shall be so planned and constructed that all surface drainage flows from structures and neighboring properties and follows natural drainage patterns.
 - h. Outside storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from public rights-of-way or neighboring properties shall be prohibited.

- i. Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on occupied structures or adjacent properties or be lighted in intensity or colors seriously disturbing to adjacent properties.
 - j. Each development shall allow for proper ingress and egress from roads to site. Internal traffic safety shall be provided by adequate driveway widths, separations between drives, access points, visual clearances and queuing requirements.
- (d) **Development to Comply With Design Standards.** No development subject to design review shall be commenced unless such development complies with all applicable design review standards, as well as all applicable Town ordinances, *including appropriate provisions of Section 10-2-24, "Land Development Policies to Preserve Rural Character", as determined by the Plan Commission, which shall include at a minimum Sections 10-2-24 (b), (c), (e), (f), (i), (j), (m), (n) and (p).*
- (e) **Design Review in the Joint Planning Area.** Developments in the Joint Planning Area, as defined in Section 10-2-23 of this Code of Ordinances, subject to design review shall be reviewed by the Joint Planning Committee, as defined in Section 2-5-5 of this Code of Ordinances, pursuant to the Town's design review standards set forth herein. In the Joint Planning Area, the Joint Planning Committee shall act as the Plan Commission in all aspects of design review as authorized below. An appeal of any such decision by the Joint Planning Committee shall not be to the Town Board, but shall be directly to circuit court by remedy of certiorari.
- (f) **Manner of Design Review.**
 - (1) Upon application for a building permit, the applicant shall be advised by the Town Administrator whether compliance with design standards is required. If such compliance shall be required, the applicant shall be notified of such requirement, and the application shall be transmitted by the applicant to the Town Administrator with appropriate fees as provided in this Ordinance. The Town Administrator, upon determining that the application is complete, shall place the application on the agenda of the next regular Plan Commission meeting scheduled at least 14 days from the date upon which the Town Administrator determines that the application is complete. The applicant shall also provide to the Town Administrator a sufficient number of plans for the development and such other information relating thereto as the Town Administrator or the Plan Commission may deem necessary for consideration of the development hereunder.
 - (2) The Plan Commission shall review the application submitted to determine whether the development complies with the criteria set forth in this Ordinance. As part of its review, the Plan Commission may consult with the Town Planning Consultant and consider such other matters as it may in its discretion consider necessary. The Plan Commission may, whenever it determines in its discretion that the application presents issues of unusual complexity or generates significant interest or impact within the neighborhood or the community in general, cause a public meeting to be held regarding the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the site plan, hear from

- such interested parties who attend the meeting and may offer its opinion on the application to the building inspector.
- (3) The determination of compliance or noncompliance with this section shall be made by the Plan Commission in writing to the applicant and the building inspector. Such writing may be a copy of the minutes of the Plan Commission meeting at which such action was taken.
 - (4) No building permit shall be issued for any development until the building inspector has received, in writing, the Plan Commission's determination that the development is in compliance with the design review standards contained in this Ordinance. All construction and improvement of the development subject to design review shall conform with approved design plans.
 - (5) The determinations of the Plan Commission on site plan applications shall be appealable as administrative interpretations to the Town Board.
 - (6) Approval shall be deemed to be given at the end of the 45 day period from the date of the submission of the application and necessary accompanying documents to the Town Administrator unless the application is rejected in writing, as noted at subsection (3) above, or unless the deadline is extended by agreement of the Plan Commission and the applicant.
 - (7) A development that has had design review and that has a building/zoning permit is approved for construction only in accord with the directives included in the design review approval. Construction that deviates from Plan Commission directives may not occur within the terms of this Ordinance without prior Town approval. The Town Administrator is responsible for determining whether to give staff approval to such deviations on a finding that they are minor variations.
- (d) **Recommendations of Town Planning Consultant.** The Town Planning Consultant shall, during the design review process, suggest additional features of site design and construction, building and structural design that are not a part of design standards but that, in the opinion of the town Planning Consultant, would be desirable to make the development a positive asset to the visual appearance of the community tax base. Compliance with such recommendations may be required of the applicant.
 - (e) **Recommendations of Fire and EMS Department.** The applicable Fire and EMS Departments shall, during the design review process, have the opportunity to suggest additional features of site design and construction, building and structural design that, in the opinion of the Fire and EMS Departments, would improve the development. Compliance with such recommendations may be required of the applicant.
 - (f) **Fees.** The applicant shall be required to submit a design review fee in the amount of three hundred twenty dollars (\$320) to the Town Administrator along with the application. In addition, the applicant shall be required to pay the additional sum of one hundred fifty dollars (\$150) per special meeting that the Plan Commission holds for the purpose of reviewing the applicant's development, plus any out-of-pocket expenses incurred by the Town or the Plan Commission, including consultant fees (engineering, legal or planning), costs of maps, or other related expenses. All of such expenses shall be paid by the applicant prior to issuance of the building permit.

- (g) **Required Information.** All development plans shall contain the information required by the submittal requirements established below. The Town Administrator shall make such submittal requirements available to any person requesting the same.
- (h) **Violation and Penalties.** Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10), nor more than two hundred dollars (\$200), together with all costs of prosecution and penalty assessment, if any. Each day each violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this section.
- (i) **Submittal Requirements.**
- (1) All exhibits required for the permanent file (noted in the following paragraphs) must be submitted reduced in size to 8-1/2" x 14". However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for Commission presentation.
 - (2) Twelve (12) black or blue-line prints (one of which shall be colored) of the following required drawings shall be submitted to the Town Administrator for presentation to the Commission:
 - a. A scaled floor plan with rooms/uses labeled.
 - b. A complete set of building plans.
 - c. An adequate number of color photographs (Polaroid-type) required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.
 - (3) A site plan for review is required, containing the following information:
 - a. Scale and north arrow.
 - b. Location of site and address if available.
 - c. All property and street pavement lines.
 - d. Existing and proposed contours.
 - e. Building heights.
 - f. Gross area of building stated in square feet.
 - g. Net area utilized or devoted to patrons.
 - h. Total square feet of office area.
 - i. Density (building and occupants).
 - j. Setbacks for side yards, front and back yards, and setback from high water mark, if appropriate.
 - k. Gross area of parcel(s) stated in square feet.
 - l. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by applicable zoning ordinance. Give the number of spaces actually proposed. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time.
 - m. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional

- arrows and indicate the location of direction signs or other motorist's aides (if any).
- n. Calculations for determining the number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
 - o. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
 - p. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated.
 - q. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
 - r. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and isofootcandle diagram.
 - s. Zoning classification for the entire site.
- (4) **Elevations.** Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information.
- a. Scale.
 - b. All signs to be mounted on the elevations.
 - c. Designation of the kind, color, and texture of all primary materials to be used.
- (5) **Section Profiles.** Two (2) section profiles through the site are required containing the following information.
- a. Scale.
 - b. Buildings.
 - c. Lighting fixtures and standards.
 - d. Signs.
- (6) **Material Samples.** Material samples are required for all major materials.
- (7) **Lighting Standard Drawing.** A scaled drawing of the proposed lighting standard(s) is required and should contain the following information.
- a. All size specifications.
 - b. Information on lighting intensity (number of watts, isofootcandle diagram, etc.)
 - c. Materials, colors.
 - d. Ground or wall anchorage details.

Sec. 10-1-4 State Uniform Dwelling Code Adopted.

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in the Town of Westport. 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 Building Inspector, or his/her designee.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector, or his/her designee, shall comply with the requirements of this Chapter for new buildings. The provisions of Section 10-1-2 shall also apply.
 - (4) Roof Coverings — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Section of this Chapter.
 - (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **Definitions.**
- (1) **Addition.** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** "Department" means the Department of Industry, Labor and Human Relations.
 - (4) **Dwelling.** "Dwelling" means:
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwellings units; or
 - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
 - (5) **Minor Repair.** "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does

not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

- (6) **One (1) or Two (2) Family Dwelling.** "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Persons.** "Person" means an individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter ILHR 20 — Administrative and Enforcement
Wis. Adm. Code Chapter ILHR 21 — Construction Standards
Wis. Adm. Code Chapter ILHR 22 — Energy Conservation Standards
Wis. Adm. Code Chapter ILHR 23 — Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter ILHR 24 — Electrical Standards
Wis. Adm. Code Chapter ILHR 25 — Plumbing and Potable Water Standards

(d) **Methods of Enforcement.**

- (1) **Certification.** The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under ILHR 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (2) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (3) **Inspection Powers.** The Building Inspector, or his/her designee, 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, HVAC or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector, or his/her designee, while in performance of his/her duties. If authorized Town inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to Section 66.122, Wis. Stats.
- (4) **Records.** The Building Inspector, or his/her designee, shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector, or his/her designee, shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector, or his/her designee, shall make a written annual report to the Town Board relative to these matters.

Sec. 10-1-5 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector, or his/her designee.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and ILHR 25 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 Town. 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) Wis. Adm. Code ILHR 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, 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, or his/her designee, and the Common Council, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 10-1-6 Electrical and Plumbing Permits.

- (a) Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
- (b) No electrical wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, or his/her designee, except that minor repairs or replacements of broken or defective sockets, switches, or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector, or his/her designee, and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector, or his/her designee.
- (c) After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector, or his/her designee, who shall at once inspect, or cause to be inspected, the same. Upon completion of such wiring, the Building Inspector, or his designee, shall be notified and shall inspect or cause to be inspected the finished work.

Sec. 10-1-7 New Methods and Materials.

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

Sec. 10-1-8 Unsafe Buildings.

Whenever the Town Board, upon the inspection and report of the Building Inspector, or his/her designee, finds any building or part thereof within the Town to be, in its 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, the Town Board may 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. The Town Board shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

Sec. 10-1-9 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Westport. 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: "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. 10-1-10 Garages.

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

Sec. 10-1-11 Regulation and Permit for Razing Buildings.

- (a) No building within the Town of Westport shall be razed without a permit from the Building Inspector, or his/her designee. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector, or his/her designee.
- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building (the only exception for burning is for a fire department practice burn of a standing building from where the materials that are illegal to burn have already been removed). If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee

shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 10-1-12 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, or his/her designee, 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, or his/her designee, 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 Town Board from the date of the report by the Building Inspector, or his/her designee, on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.
- (d) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector, or his designee, shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector, or his/her designee, to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05(2)(a), Wis. Stats.

Sec. 10-1-13 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance. This Section shall not regulate agricultural fences, which shall be governed by the Wisconsin Statutes.
- (b) **Permit Required.** Before work is commenced on the construction or erection of a residential or commercial fence or on any major alterations, additions, remodeling or other improvements, an application for a fence building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data, including type of construction and materials, shall be submitted to the building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The Building Inspector may refuse to issue a fence permit if the proposed material or design is unsightly, hazardous or would create a nuisance.
- (c) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
- (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, closure or boundary.
 - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.
- (d) **Height of Fences Regulated.**
- (1) A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line.
 - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (e) **Setback for Residential Fences.** Fences may be constructed alongside lot lines, but shall not extend into the front setback area as extended to the side lot lines.

- (f) **Security Fences.** Security fences are permitted on the property lines in all districts except residential district, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (g) **Prohibited Fences.**
 - (1) No residential or commercial fence shall be constructed which is in a dangerous condition, conducts electricity, is designed to electrically shock or which uses barbed wire.
 - (2) Barbed wire may be used in an agriculturally zoned area or in an industrially zoned area if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (h) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair. The finished or decorative side of a fence shall face the adjoining property.
- (i) **Temporary Fences.** Fences erected for the protection of plantings or to warn of a construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Chapter. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than sixty (60) days.
- (j) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Section and not in conformance with this Section may be maintained, but any alteration, modification or improvement of said fence shall comply with this Section.

Sec. 10-1-14 Regulations for Moving Buildings.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the Town of Westport without first obtaining a permit therefor from the Building Inspector, or his/her designee, 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 Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Building Inspector, or his/her designee, prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, or his/her designee, inspect the streets or roads 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 Town Board, the Town 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.
- (d) **Conformance with Code and Permit.**
- (1) *Code Conformance.* No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector, or his/her designee, 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, or his/her designee, 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 Town 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.
- (2) *Permit Review.* No permit shall be granted to move a building that is more than five (5) years old into the Town except that anyone desiring to move a building more than five (5) years old into the Town may apply, in writing, to the Town Board for a permit. The Town Board may, after a hearing thereon, grant such a permit after considering the following:
- a. Architectural design of such building.
 - b. Condition of such building.
 - c. Desires of adjoining landowners.
 - d. Nature of other buildings in neighborhood.
- Notice of such hearing shall be given, in writing, to all adjoining landowners and notice shall be published once in a newspaper published in Dane County. Applicant shall pay for the costs of such notices and publication, and for all other related costs and fees, including costs of special meetings and review fees of engineers or attorneys.
- (e) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the town, the party applying therefor shall give a bond to the Town of Westport in a sum to be

fixed by the Building Inspector, or his/her designee, and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon among other things, the indemnification to the Town 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 Town in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, or his/her designee, 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, or his/her designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector, or his/her designee, shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

Sec. 10-1-15 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his/her family and by friends invited to use it and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alteration, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector, or his/her designee. Plans and specifications and pertinent, explanatory data should be submitted to the Building

Inspector, or his/her designee, at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Building Code shall accompany such application.

- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, or his/her designee, the Building Inspector, or his/her designee shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Town now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Town and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands or other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (3) All electrical installations, including common bonding grid, lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and Town Ordinances regulating electrical installations.
- (e) **Setbacks.** No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Dane County Zoning Code for an accessory building.
- (f) **Fence.**
- (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top or sidewalls a minimum of thirty-six (36) inches high.
- (g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

Sec. 10-1-16 through Sec. 10-1-19

Reserved for Future Use.

Article B: Plumbing Code

Sec. 10-1-20 Title.

This Article shall be known as the "Plumbing Code of the Town of Westport," and will be referred to in this Chapter as this "Code" or "this Article."

Sec. 10-1-21 Purpose and Scope.

- (a) The purpose of this Article is to provide minimum regulations, provisions and requirements in the Town of Westport to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
- (b) The provisions of this Article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

Sec. 10-1-22 State Regulations Adopted.

- (a) **Adopted by Reference.** Chapter 145, Wis. Stats.; the State Plumbing Code, COMM 5 (subchapter IX), Wis. Adm. Code; and COMM 82-87, Wis. Adm. Code, inclusive, and subsequent amendments, additions, and recodifications thereto, are hereby adopted and by reference made a part of this Article with the same force and effect as though set out in full.
- (b) **To be on File.** A copy of the State Plumbing Code shall be on file in the offices of the Plumbing Inspector.
- (c) **More Restrictive Provisions Apply.** In the event of a conflict between any provision of this ordinance and the State Plumbing Code, the more restrictive provision shall apply.

Sec. 10-1-23 Plumbing Defined.

In this Article, "plumbing" means and includes:

- (a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.
- (b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within the bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

- (c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within the bounds of or beneath an area subject to easement for highway purposes and its connections.
- (d) The water pressure systems other than municipal systems as provided in Ch. 144, Wis. Stats.
- (e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly service, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

Sec. 10-1-24 Plumbing Permits.

- (a) **Required.** No work contemplated by this Article shall be started until a permit therefor has been obtained from the Plumbing Inspector or his/her authorized agent, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.
- (b) **Application.** The application shall be in writing upon forms which the Plumbing Inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Plumbing Inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Article.
- (c) **Issuance, Term, Suspension and Revocation.** When the Plumbing Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Article and after the appropriate fees have been paid to him/her, he/she shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same as may be approved by the Plumbing Inspector and shall automatically expire on completion of the work for which it is used, provided the Plumbing Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this Article.
- (d) **Restrictions on Issuance.**
 - (1) No plumbing permit shall be issued to any person who is in violation of this Article until such violation has been corrected.
 - (2) No plumbing permit shall be issued to any person against whom an order issued by the Plumbing Inspector is pending, provided this restriction may be waived by the Plumbing Inspector.

Sec. 10-1-25 Plumbers to Be Licensed.

All plumbing work shall be done only by a plumber licensed by the State of Wisconsin for such work, provided a property owner may make repairs or installations in a single-family building owned

and occupied by him/her as his/her home if a permit therefor is issued and the work is done in compliance with the provisions of this Article.

Sec. 10-1-26 Grease Interceptors.

- (a) **General.** All plumbing installations for occupancies, other than dwelling units, where grease, fats, oils or similar waste products of cooking or food are introduced into the drain system shall be provided with interceptors in accordance with this subsection. All drains and drain piping carrying oil, grease or fats shall be directed through one or more interceptors as specified in sections (b), (c) and (d).
- (b) **New Plumbing Systems.** Notwithstanding the State Plumbing Code, all new plumbing systems which discharge to public sewers or private sewage systems shall be provided with one or more exterior grease interceptors.
- (c) **Altered or Remodeled Plumbing Systems.** Notwithstanding the State Plumbing Code, subject to section (a), above, all existing plumbing systems that discharge to public sewers or private sewage systems that receive or carry grease, fats, oils or similar waste products of cooking or food which are altered or remodeled as to that part of the plumbing system which discharges from kitchens or food processing areas shall be provided with one or more exterior grease interceptors.
- (d) **Existing Installations.** At the Plumbing Inspector's request, the Town Board may require the installation of exterior or interior grease interceptors for existing plumbing installations where the waterway of a drain system, sewer system or private sewage system is reduced or filled due to congealed grease, or where congealed grease otherwise impairs the proper functioning of the system.
- (e) **Exterior Grease Interceptors.** Exterior grease interceptors shall receive the entire waste discharge from kitchens or food processing areas. All exterior interceptors shall be designed, constructed and installed in accordance with the standards contained in Wisconsin Administrative Code § COMM 82.34(5)(b).

Sec. 10-1-27 Enforcement and Penalties.

- (a) **Enforcement.** The Plumbing Inspector shall inspect plumbing, water supply and drainage installations in conformity with the requirements of this Code, and shall be responsible for enforcing the provisions of this Code. The Plumbing Inspector is authorized to issue orders to compel compliance with this Code, and is authorized to issue citations for violations of this Code.
- (b) **Penalties.** Any person who violates any provision of this Code or who neglects or refuses to comply with a lawful order of the Plumbing Inspector issued pursuant to the provisions of this Code shall forfeit not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) pursuant to Sec. 145.12 of the Wisconsin Statutes for each and every violation thereof. Each day of violation shall constitute a separate offense.

Sec. 10-1-28 through Sec. 10-1-39 Reserved for Future Use.

Article C: Heating, Ventilating and Air Conditioning Code

Sec. 10-1-40 Title.

This Article shall be known as the "Heating, Ventilating and Air Conditioning Code of the Town of Westport," and will be referred to in this Article as this "Code" or "this Article."

Sec. 10-1-41 Purpose and Scope.

- (c) The purpose of this Article is to provide minimum regulations, provisions and requirements in the Town of Westport to insure safety and adequacy to persons and property wherever heating, ventilating and air conditioning is installed and to all alterations or improvements, including replacement of any apparatus or device, pertaining to heating, ventilating and air conditioning.
- (d) The provisions of this Article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

Sec. 10-1-42 State Regulations Adopted.

- (a) **Adopted by Reference.** Article ILHR 23 of the Wis. Adm. Code and Ch. ILHR 64 of the Wis. Adm. Code are adopted and by reference made a part of this Article with the same force and effect as though set out in full.
- (b) **To Be on File.** A copy of the Heating, Ventilating and Air Conditioning Code shall be on file in the offices of the Heating, Ventilating and Air Conditioning Inspector.

Sec. 10-1-43 Heating, Ventilating and Air Conditioning (HVAC) Definitions.

The following definitions shall be applicable in this Article:

- (a) **Heating System.** Any combination of building construction, machines, devices or equipment, so proportioned, arranged, installed, operated and maintained as to produce and deliver in place the required amount and character of heating service.
- (b) **Ventilating.** The process of supplying or removing air by natural or mechanical means, to or from any space.
- (c) **Furnace.** A completely self-contained direct-fired automatically controlled, vented appliance for heating air by transfer of heat of combustion through metal to air and designed to supply heated air through ducts to spaces remote from the appliance location.
- (d) **Air Conditioning.** The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirements of the conditioned space.

Sec. 10-1-44 Heating, Ventilating and Air Conditioning Permits Required.

- (a) **Permit Required.** It shall be unlawful for a person, firm or corporation to construct, install, alter or repair any heating, ventilating or exhaust system (and appurtenance), replace a boiler, furnace, install stoker and conversion units in or for any building before securing a permit, except that in cases of emergency the contractor may proceed with the work and file the application for a permit within twenty-four (24) hours thereafter (Sundays and holidays excepted). A heating permit will not be required for the installation of electric baseboard or bathroom heaters when installed as auxiliary heat; that is, to supplement the existing heating system designed and installed to satisfy the load requirements of the space to be heated. The reference to appurtenances shall include direct heaters, cooling coils, central residential air conditioning (cooling) and similar devices affecting the safety or operation of the heating system.
- (b) **Application.** The application shall be in writing upon forms which the HVAC Inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the HVAC Inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this Article.
- (c) **Issuance, Term, Suspension and Revocation.** When the HVAC Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Article and after appropriate fees have been paid to him/her, he/she shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good reasonable cause for the same as may be approved by the HVAC Inspector and shall automatically expire on completion of the work for which it is issued, provided the HVAC Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this Article.
- (d) **Restrictions on Issuance.**
 - (1) No HVAC permit shall be issued to any person who is in violation of this Article until such violation has been corrected.
 - (2) No HVAC permit shall be issued to any person against whom an order issued by the HVAC Inspector is pending, provided this restriction may be waived by the HVAC Inspector.
- (e) **Data Required as Part of the Permit Application.** All drawings submitted for approval shall be accompanied by sufficient data and information for the HVAC Inspector to determine if the capacity of the equipment and the performance of the equipment shall satisfy the requirements of the Section. The following data shall be submitted:
 - (1) Submit heat loss calculation in BTU per hour for each room to be heated.
 - (2) Include calculations for ventilation requirements.
 - (3) Submit one (1) or more copies of complete drawings. When the heating and ventilation drawings require approval of the Department of Industry, Labor and

Human Relations (Industrial Safety and Buildings Division), one (1) or more approved copies shall be submitted with the application.

- (4) Summation of heating and ventilating load requirement.
 - (5) Installations shall be made to conform to approved drawings.
 - (6) Plot plan showing the location of the condensing unit for air conditioning.
 - (7) For solar systems, furnish an estimate of the amount of energy in BTU's to be delivered by the system on an annual basis, which estimate shall be based on the "F" chart analysis or another method appropriate to the system considered, and collector performance data as is determined by a recognized testing lab.
 - (8) For solar systems, furnish the collector tilt and azimuth angle and a solar path shading diagram for the proposed collector location indicating the shading between the hours of 9:00 a.m. and 3:00 p.m. CST for the entire year.
 - (9) For solar systems, furnish a plot plan showing the proposed location of the solar collector and any tree and/or structure that presently casts a shadow within twenty (20) feet of the proposed collector location.
 - (10) For solar systems, furnish a detailed drawing showing anchorage and bearing of collector supports.
 - (11) For solar systems, furnish detailed drawings of all piping, pumps, blowers, wiring, storage vessels, ductwork, dampers, valves, insulation and all other material that will be required to install the system.
- (f) **Design Standards.**
- (1) The heating and ventilating design shall conform to methods and standards approved by the HVAC Inspector when not in conflict with the Wisconsin Department of Industry, Labor and Human Relations Regulation (Industrial Safety and Buildings Division).
NOTE: The HVAC Inspector will accept the method and standards recommended by the American Society of Heating, Refrigeration and Air Conditioning Engineers; National Warm Air Heating and Air Conditioning Association; Mechanical Contractors' Association of America and National Electrical Manufacturers' Association.
 - (2) Minimum design standards for all rooms in living quarters shall be seventy (70) degrees Fahrenheit except bathrooms, which shall be seventy-five (75) degrees Fahrenheit. The minimum outside design temperature shall be minus twenty (-20) degrees Fahrenheit.
 - (3) The total heat loss of a building, including the basement, shall be used in sizing heating units or electrical service for electrical space heating.
 - (4) The proper "U" factors shall be selected and shall reflect the additional heat loss in areas located over unheated areas.
- (g) **Supplemental Permits.** The license holder responsible for the work shall complete any application for a supplemental permit mailed to him/her and return it to the HVAC Inspector within seven (7) days of the postmark date of the application for a supplemental permit. Failure to return the application for a supplemental permit prior to commencing work shall be deemed to be working without a permit.

Sec. 10-1-45 Heating, Ventilating and Air Conditioning (HVAC) Inspections.

- (a) In any new building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the HVAC Inspector that said portions of the installations are ready for inspection; and it shall be unlawful for any person, firm or corporation to lath over, plaster or cover up any heating work before such work has been inspected and a rough inspection card posted. The HVAC Inspector shall have the right and authority to order the removal of all such lath, plaster or other covering which may have been placed over such work as has not been inspected. The HVAC Inspector shall make inspections within two (2) working days after notice. Final inspection on new installations is to be made upon completion of such work. Inspection of repairs, replacement or conversion work is to be made upon completion of such work. the heating contractor shall notify the HVAC Inspector as soon as the installation is complete and ready for inspection.
- (b) Wherever any work or project governed by provisions of the HVAC Code and for which a permit has been issued, as provided herein, is being performed or carried on in violation of any of the provisions of said Code, it shall be the duty of the HVAC Inspector to post a printed notice to "stop work" signed by the HVAC Inspector on the premises where such work is in progress and to notify anyone in charge of such work on the premises of such stop work order. After the posting of such notice, it shall be unlawful for any person, firm or corporation to do any further work on such project until such time as the defects or violations of the HVAC Code have been eliminated to the approval of the HVAC Inspector.
- (c) When the HVAC Inspector finds any installation in which there are violations of the Code, he/she shall issue a written order specifying the violation and stating the date by which these corrections shall be made. Any licensee failing or neglecting to comply with written orders at the discretion of the HVAC Inspector shall not be issued any further permits until such violations have been corrected and penalty fee paid. Failure or neglect to comply with the provisions of the HVAC Code and of the permit issued under this Code shall be considered a violation of this Code.

Sec. 10-1-46 Minimum Requirements for the Installation of Gas-Fired Heating Equipment and Piping.

In addition to the standard referred to in Section 10-1-42 hereof, which shall be classed as minimum standards of this Code, the installation of gas heating equipment shall conform to the requirements set forth in the following Subsections of this Section:

- (a) **Scope.**
 - (1) **Applicability.** The provisions of this Code, unless otherwise indicated herein, shall apply only to utilization pressure [not in excess of one-half (1/2) pound per square inch] gas pumping systems extending from the gas meter outlet connection to the inlet connections of appliances. They are intended to cover the design fabrication, installation and test of gas piping systems for fuel gases such as natural gas, liquified

petroleum gas, liquified petroleum air, gas or mixtures thereof. They are not intended to cover systems or portions of systems supplying equipment engineering, designed and installed for specific manufacturing, production processing, large power generating application, melting and treating furnaces, production ovens and similar applications.

- (2) **Exception.** Gas piping and control equipment requirements for systems using gas pressures in excess of one-half (1/2) pound per square inch:
- a. Generally, the valving arrangement shall conform to the American Standards Association (ASA-Z 21.33 - 1950). The HVAC Inspector will recognize as approved valving, arrangements and designs approved by any other nationally recognized approved agency.
 - b. A safety relief valve shall be placed downstream from a gas pressure regulator where gas is supplied at pressures in excess of one-half (1/2) pound per square inch. The discharge from the relief valve shall be piped to a safe location outside the building. [Valve setting not to exceed four (4) pounds.]
 - c. Provide a suitable pressure gauge in the gas line located downstream from the pressure regulator.
 - d. Where a gas supply pressure is higher than that at which the burners are designed to operate, a gas pressure regulator shall be provided to reduce pressure to satisfy design conditions.
 - e. Where the gas supply pressure is in excess of one-half (1/2) pound per square inch, the piping system shall be identified indicating the maximum line pressure. It is recommended that the legend "Gas _____ P.S.I." (pressure per square inch to be inserted in the blank) be applied on gas piping near and downstream from pressure regulator at intervals of fifty (50) feet in every room or area which is less than fifty (50) feet.
 - f. Submit two (2) copies of drawings (schematic is acceptable) and specifications to the HVAC Inspector for review and approval.
- (b) **Work on Gas Piping Containing Unmeasured Gas.** Disconnecting inlet of gas meter, changing meter location or making connection to gas service pipe shall be done only by gas company employees or others authorized by the gas company to do such work. A pipefitter shall connect or disconnect the building piping from outlet meter connections when necessary. No person, unless in the employ of the gas company or having permission from the gas company, shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. It shall further be unlawful to turn on or supply gas on or at any premises unless at least one (1) gas appliance is connected to the gas piping system and all outlets are properly and securely connected to appliances or capped or plugged with screw joint fittings.
- (c) **Authority to Disconnect.** The HVAC Inspector or the gas utility is hereby authorized to disconnect or have disconnected any gas space heating equipment or gas piping which shall be found not to conform to the requirements of this Code or 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 equipment or gas piping which shall state that the same has been disconnected, together with a reason therefor, and such notice shall not be

removed nor shall the equipment or gas piping be reconnected until authorized by the HVAC Inspector to do so. Cost of such disconnect by the Inspector shall be paid for by the owners of the premises.

(d) **General Precautions.**

- (1) **Installation of Gas Piping.** Installation of gas piping shall be performed with the gas turned off to eliminate hazards from leakage of gas. Connection of the new piping system to the existing system shall be done, if practical, with the gas turned off.
- (2) **Burner and Pilot Valves.** Before turning off the gas at the meter, except in cases of emergency, all burner and pilot valves on the premises supplied with gas through the meter shall be turned off and the meter test hand observed for a sufficient length of time to ascertain that there is not gas passing through the meter. When there is more than one (1) meter on the premises, precaution shall be exercised to assure that the proper meter is turned off.
- (3) **Checking for Gas Leakage.** No matches, candles, flame or other source of ignition shall be employed to check for gas leakage from meters, piping or appliances. Check for gas leakage with a soap and water solution.
- (4) **Artificial Illumination.** Artificial illumination used in connection with a search for gas leakage shall be restricted to electric hand flashlights, fixed electric lights controlled only by explosion-proof safety switches or switches remote from the area of the leakage or approved safety lamps.
- (5) **Smoking Not Permitted.** When connecting or disconnecting pipe which contains gas, smoking shall not be permitted.
- (6) **Electric Circuits Grounded to Gas Piping.** Except for appliance controls requiring a ground electrical system, including low voltage, circuits shall not be grounded to gas piping.

(e) **Piping to Meter Location.**

- (1) **Piping Extended to Meter Location.** Gas building piping shall be extended to the meter location specified by the gas company. The meter location and gas piping connection shall be such that the meter connections are easily accessible in order that the meter may be read or changed.
- (2) **Piping Marked.** Piping from multiple meter installations [four (4) or more meters] shall be plainly marked near outlet connection with a permanent tag by the installer so that the piping systems supplied through them can be readily identified.
- (3) **Meters Supplied by Single Service Pipe.** Unless otherwise approved in writing by the gas company, all meters supplied by a single service pipe shall be at the same location.
- (4) **Piping Systems Not Interconnected.** Unless otherwise approved, where two (2) or more meters are installed on the same premises but supply separate consumers, the piping systems shall not be interconnected on the outlet side of the meters.
- (5) **Pipe Capacity Table 1.**

CAPACITY--CUBIC FEET PER HOUR WITH A
67 S.P. 970 BTU SP. GR. GAS AND PRESSURE
DROP OF 0.3 INCH WATER COLUMN

Length of Pipe in Feet	Nominal Diameter of Pipe in Inches						
	3/4	1	1-1/4	1-1/2	2	3	4
15	158	319	694	1130	2300	6000	12900
30	111	223	495	790	1640	4350	9000
45	92	184	403	650	1360	3600	7300
60	80	160	352	565	1200	3200	6300
75	71	144	317	500	1040	2775	5550
90	65	131	287	455	925	2500	5100
105	60	123	264	415	850	2250	4700
120		111	250	390	795	2125	4450
150		101	224	350	720	1925	4050
180		93	208	325	670	1800	3700
210			190	295	610	1650	3400
240			176	280	570	1550	3200
270			165	265	535	1450	3000
300			158	250	500	1375	2750
450			130	210	415	1150	2300
600			110	180	360	950	1975

(f) **Size of Piping to Gas Appliances.**

- (1) **Sufficient Size.** Piping shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance or appliances. The minimum gas pipe shall be not less than three-fourths (3/4) inch. This does not apply to water heaters, space heaters and unit heaters with inputs of less than fifty thousand (50,000) input. The size of the gas pipe to be used depends upon the following factors.
 - a. Allowable loss in pressure to be provided for.
 - b. Maximum gas consumption to be provided for.
 - c. Length of pipe and number of fittings.
 - d. Specific gravity of the gas.
 - e. Diversity factor.
- (2) **Pressure Loss.** The pressure loss in any gas piping system from the gas meter to any appliance for the maximum demand shall not exceed three-tenths (0.3) inch water column. The minimum size of piping required to comply with the three-tenths (0.3) inch pressure loss limitation shall be determined by the procedure given in Subsection (3) below or by standard engineering methods, including use of gas flow computers.
- (3) **Size of Piping.** To determine the size of any section of gas pipe in a system, proceed as follows:

- a. Measure the length of pipe from the gas meter to the most remote outlet of the building on that piping system. Where separate or individual fuel lines are extended from the meter to one (1) or more appliances, such as an individual gas line to heating plant, each separate fuel line from the meter shall be considered as a separate piping system.
 - b. In Table No. 1, select the horizontal line showing the distance or the next longer distance if the table does not give the exact length.
 - c. Use this horizontal line so selected to locate all gas demand figures for this particular system of gas piping.
 - d. Starting at the most remote outlet, find in the horizontal line just selected the gas demand for that outlet. If the exact figure of demand is not shown, choose the next larger figure in the same horizontal line.
 - e. Above this demand figure in the first line at the top of Table No. 1 will be found the correct size of pipe required to serve such an outlet.
 - f. Proceed in a similar manner for each outlet and each section of pipe. For each section of pipe, determine the total gas demand supplied by that section and use the length indicated by Subsection (e)(5) above, which length is at all times taken as the total distance from the meter to the most remote outlet.
 - g. The hourly volume of gas required at each outlet shall be taken as not less than the maximum hourly rating specified by the manufacturer of the appliance or appliances to be connected to each such outlet. Where the manufacturer's rating of an appliance is given in British Thermal Units (BTU) per hour, this rating shall be divided by nine hundred seventy (970) to obtain the corresponding gas demand in cubic feet per hour for natural gas. Where BTU rating of gas appliances to be installed has not been definitely specified, estimate of approximate requirements may be based on current typical appliances.
- (4) ***Extensions to Existing Piping.*** Extensions to existing piping shall conform to Subsection (f)(1). Existing piping, if extended, shall be converted to the proper size of pipe where necessary. In no case shall extensions be made to existing pipe which is smaller than permitted by Subsection (f)(1).
- (g) **Materials for Pipe and Fittings.**
- (1) ***Rigid Pipe and Fittings.***
 - a. Gas pipe shall be black wrought iron or steel pipe complying with the American Standard for Wrought Iron and Wrought Steel Pipe A.S.A. B36 D-1939. All pipe fittings (except shut-off cocks or valves) shall be malleable iron or steel when used with wrought iron or steel pipe. In sizes three (3) inches or larger, all piping must be welded. (See Subsection b below.) Exception: Plastic pipe may be used outside of a building only and when it is buried at a minimum depth of twelve (12) inches and when it is used in sizes of three-eighths (3/8) inch outside diameter for gas lights and five-eighths (5/8) inch outside diameter for gas grills. The plastic pipe must be an approved type.

- b. The use of welded steel fittings, either shop or field fabricated, and jointing of pipe by welding is permissible.
 - c. Plain end pipe with gland-type couplings shall not be used within or under any building or structure but may be used for exterior or underground installations.
 - d. Ground joint unions or gasket-type unions with leather gaskets shall be used in gas building piping.
 - e. Copper or brass pipe in iron pipe sized when assembled with threaded fittings of the same material may be used. Copper tubing with seat, flared or compression fittings shall not be used for building piping.
 - f. Aluminum piping in iron pipe sizes may be used provided that no aluminum pipe may be used for underground installations, nor in contact with masonry or concealed in walls or partitions constructed of masonry materials, nor exposed to alkaline chemicals, fumes or materials. Aluminum pipe shall not be extended through walls or ceilings.
- (2) ***Semi-Rigid Tubings and Flexible Metal Connectors.*** Copper or aluminum semi-rigid tubing, flexible metal connectors and fittings may be used in place of rigid pipe for connection of individual appliances, other than gas space heating equipment and gas water heaters, to building piping. Flexible metal connections or fittings shall bear the seal or listing symbol of a nationally recognized testing agency acceptable to the Building Inspector or be fabricated and assembled from material using a flared-type connection. The length of tubing shall not exceed six (6) feet.
- (h) **Concealed Pipe.**
- (1) ***Pressure.*** The requirements of this Section shall apply to concealed gas piping utilizing gas pressures up to and including four (4) pounds per square inch. Concealed or embedded pipe or tubing shall be tested before being covered to a hydrostatic or compressed air pressure of not less than fifty (50) pounds gauge for a period of not less than ten (10) minutes.
 - (2) ***Minimum Size.*** No pipe smaller than three-fourths (3/4) inch pipe size shall be used in any concealed location.
 - (3) ***Gas Piping Embedded in Concrete.***
 - a. When gas pipe is to be embedded in concrete or cement, it shall be coated with a corrosion-resisting material or laid in a conduit of iron pipe or glazed tile with tightly sealed joints. Tile joints shall be packed with jute or hemp at the base and remaining joint space filled with cement mortar or hot pour compound suitable for clay pipe. The coating or conduit shall be extended at least two (2) inches beyond the point where the pipe emerges from its concrete embedment. Where the encasing conduit terminates underground, it shall be tightly sealed around the gas pipe with bituminous or asphaltic material to prevent the entrance of moisture. Where pipe is to be embedded directly in a concrete floor, necessary precautions shall be observed to prevent the pipe from being damaged prior to and during the pouring of the concrete floor. The piping shall be installed and supported above the underlying fill so that there will be a minimum thickness of three fourths

(3/4) inch of concrete both under and over the pipe in the finished installation. Gas pipe shall not be embedded in a cinder fill or in a cinder concrete fill unless the pipe is laid in glazed tile pipe with tightly sealed joints as specified above.

b. Gas pipe in solid floors, such as concrete, may be laid in channels in the floor suitably covered to permit access to pipe with minimum damage to the building. The channel may be covered with a removable cover or the channel may be filled with some noncorrosive material.

c. No gas line shall be buried in or contact with the ground or fill under any building or structure unless suitably encased in a conduit installed as prescribed above for embedment in concrete.

(4) *Piping in Partitions.* Where concealed piping is located in hollow rather than solid partitions, the space concealing the pipe shall be ventilated to permit the escape of gas should leakage develop. Ventilation may be provided by small grills in the wall or by making the opening through which the pipe leaves the concealed space at least one-half (1/2) inch larger than the outside diameter of pipe.

(5) *Connections in Original Installation.* When installing pipe which will be concealed, unions, running threads, right- and left-hand couplings, bushings and swing joints made by combination of more than two (2) fittings (not including nipples) shall not be used.

(6) *Reconnections.* When necessary to insert fittings in piping which has been installed in a concealed location, the piping may be reconnected by the use of a ground joint union with the nut "center punched" to prevent loosening by vibration.

(i) **Underground Gas Piping.**

(1) *Corrosion-Resistive Material.* All wrought iron or steel gas piping installed below ground level outside of any building or structure shall be protected against corrosion with a coating or corrosion-resisting material recommended by the manufacturer for underground use and applied in accordance with manufacturer's printed instructions.

(2) *Minimum Depth.* Underground piping located exterior to any building or structure shall be installed at a depth to provide a minimum cover of eighteen (18) inches. Exception: The depth of burial of plastic gas pipe for gas lights three-eighths (3/8) inch outside diameter and grills five eighths (5/8) inch outside diameter shall be not less than twelve (12) inches. Where plastic gas piping passes within twelve (12) inches of any underground electrical piping, it shall be run in a split tile or an approved asbestos product. Where it crosses underground electrical piping, it must be run in split tile or an approved cement asbestos product for a distance of two (2) feet on each side of the electrical piping.

(3) *Separate Ditch.* Gas house piping shall not be installed in the same ditch with water, sewer, drainage or other piping.

(4) *Dielectric Insulation Fittings.* When any portion of iron or steel pipe in gas house piping is buried or in contact with the ground and is to be connected directly, such as through a water heater or other appliance having water connections, to any copper piping or tubing that is at some point in contact with the ground, the copper and iron

piping shall be separated electrically by means of dielectric insulation fittings installed in the gas line.

- (5) ***Iron and Copper Piping.*** Iron gas pipe buried or in contact with the ground shall be placed a minimum of two (2) feet from all copper piping or tubing that is buried or in contact with the ground. Where iron and copper cross underground and it is impractical to maintain this spacing, the iron pipe shall have a one-thirty-second (1/32) inch coating of corrosion-resisting material suitable for underground use and applied in accordance with manufacturer's printed instructions for a distance of two (2) feet from the point of crossing.
- (j) **Sleeve on Building Piping Through Masonry Wall.** Where gas pipe passes through a wall below grade, the joint between the pipe and the wall shall be caulked or cemented so as to form as tight a seal as is possible. If the pipe is encased in a sleeve or conduit, both ends of the sleeve or conduit shall be tightly sealed.
- (k) **Installation of Gas Piping.**
 - (1) ***Drip Pipes.*** Where practical, all gas piping shall be installed so that it will drain toward the meter. Horizontal piping shall be so graded approximately one-fourth (1/4) inch to fifteen (15) feet. Where it is necessary to trap the gas line, the drip pipe shall be attached to trapped piping at every point where condensation might collect. The drop pipe shall not be smaller than the diameter of pipe to which it is attached and shall be at least six (6) inches long. The end of drop pipe shall be capped and shall be accessible for draining.
 - (2) ***Supporting Pipe.*** Gas piping shall be securely fastened and supported with pipe straps or hangers at sufficient intervals to prevent pipe from sagging more than one-fourth (1/4) inch between supports. Gas pipe shall not be supported by or from other piping.
 - (3) ***Fittings.*** A tee-fitting with the bottom outlet plugged or capped instead of an ell-fitting shall be used at the bottom of any riser to catch any dirt or other foreign materials.
 - (4) ***Avoid Clothes Chutes, Etc.*** Gas pipe inside any building shall not be run in through spaces used for air duct, clothes chutes, chimney or flue, ventilating duct, dumbwaiter or elevator shaft.
 - (5) ***Cap All Outlets.*** Each outlet, including a valve or cock outlet, shall be securely closed gas-tight with a threaded iron plug or cap if not used immediately after installation and shall be left closed until an appliance is connected thereto. Likewise, when an appliance is removed from an outlet and the outlet is not to be used again immediately, it shall be securely closed gas-tight, using a threaded iron plug or cap.
 - (6) ***Air or Oxygen Under Pressure.*** Where air or oxygen under pressure is used in connection with the gas supply, effective means shall be provided to prevent air or oxygen from passing back into gas piping. Where air or oxygen supply is interconnected with the gas piping system, a device used to prevent gas from passing the meter shall be approved by the Building Inspector.
- (l) **Gas Shut-Off Valves.**
 - (1) ***Accessibility of Gas Valves.***

- a. Main gas shut-off cocks or gate valves controlling several piping systems shall be placed an adequate distance from each other so they will be easily accessible for operation. These valves shall be plainly marked with a metal tag wired to the valve by the installer so that the piping systems supplied through them can be readily identified.
 - b. The main gas shut-off valves on all gas space heating equipment shall be placed as close as possible to the equipment but shall be located between four (4) feet and six (6) feet above floor level. No main gas shut-off valves shall be concealed in the space-heating cabinet. Exception: On suspended units, rooftop units, space heaters and through-wall units, the gas valve shall be easily accessible and placed within three (3) feet of the unit.
 - c. All gas-fired appliances shall be equipped with a main shut-off valve located between the appliance and the building piping. The shut-off valve for heating plants and water heaters shall be of the lever type.
- (2) ***Location of Shut-Off on Piping for Apartments on Master Meter.***
- a. In multiple-tenant buildings supplied through a master meter, a shut-off cock shall be installed in the apartment, to be supplied at each of the appliances. If one (1) riser or fuel line supplies all the gas to any one (1) apartment, only one (1) shut-off cock need be used if installed in this riser or fuel line, but it shall be located so as to be readily accessible.
 - b. In the event that shut-off cocks are to be installed on the risers or fuel lines in the basement, instead of in the piping at the appliance where the master meter is used, each riser or fuel line shall be tagged with a wired-on metal.

Sec. 10-1-47 Venting Requirements.

- (a) **General.** The venting of all boilers, furnaces or appliances shall conform to the requirements as hereinafter set forth inclusive of this Section, together with their subdivisions. Conditions not specifically mentioned in this Section shall be governed by the current A.S.H.R.A.E. Guides or Section V of the standards of the National Fire Protection Association for the installation of gas appliances and gas piping. N.F.P.A. 54 as listed in Appendix No. 1.
- (b) **Types of Chimneys or Vents Defined.** For the purpose of this Section, the following definitions shall govern as to the meaning of the several terms or expressions herein defined, whenever said terms and expressions are employed in this Code.
 - (1) ***Chimneys.***
 - a. **Factory-Built Chimneys.** Chimneys that are factory made, listed by a nationally recognized testing agency, for venting gas appliances, gas incinerators and solid or liquid fuel burning appliances.
 - b. **Masonry Chimneys.** Field-constructed chimneys built in accordance with the Town of Westport Building Code.
 - c. **Metal Chimneys.** Chimneys made of metal of adequate thickness, properly galvanized or properly welded or riveted and built in accordance with nationally recognized codes or standards.

- (2) **Gas Vents.**
 - a. Type B Gas Vents. Factory-made gas vents listed by a nationally recognized testing agency for venting listed or approved appliances equipped to burn only gas.
 - b. Type B/W Gas Vents. Factory-made gas vents listed by a nationally recognized testing agency for venting listed or approved gas-fired recessed heaters.
 - c. Type C Gas Vents. Vents constructed of sheet copper not less than twenty-four (24) ounces per square foot or galvanized iron of not less than No. 20 U.S. Standard gauge or other approved noncombustible corrosion-resistant material.
- (3) **Chimney Liner.** A vent pipe or flue liner inserted within a chimney for the purpose of flue products and preventing such condensation from contact with the interior of the chimney in which it is inserted.
- (4) **Chimney Flue.** The flue gas conveying passageway in a chimney.
- (5) **Vent.** A conduit or passageway, vertical or nearly so, for conveying vent gases to the outer air.
- (6) **Chimney Connector.** (Use in place of smoke pipe or flue pipe.) The pipe which connects a solid or liquid fuel burning appliance to a chimney.
- (7) **Vent Connector.** The pipe which connects a gas appliance to a gas vent or chimney.
- (8) **Draft Hood.** A device built into an appliance or made a part of the vent connector from an appliance which is designed to:
 - a. Assure the ready escape of the flue gases in the event of no draft, back draft or stoppage beyond the draft hood;
 - b. Prevent a back draft from entering the appliance; and
 - c. Neutralize the effect of stack action of the chimney or gas vent upon the operation of the appliance.
- (c) **Barometric Dampers.** Barometric dampers shall be constructed and installed in accordance with the manufacturer's instructions.
- (d) **Types of Chimneys or Vents, Use of.** It shall be the duty of the owner of any building in which it is hereafter proposed to install any furnace, boiler or appliance to provide a properly constructed chimney or vent.
 - (1) **Flue Gas Exhaust.** Gas vents or chimney systems shall be engineered and constructed so as to develop a positive flow adequate to remove all flue gases to the outside atmosphere.
 - (2) **Chimneys.** Chimneys shall be used for venting the following types of appliances.
 - a. Incinerators, except that metal pipe not less than No. 20 U.S. Standard gauge galvanized iron or other equivalent noncombustible, corrosion resistant material may be used for venting incinerators installed in locations such as open sheds, breezeways or carports, provided the metal pipe is exposed and readily examinable for its full length and suitable clearance [eighteen (18) inches from combustible] are maintained.
 - b. Appliances which may be converted readily to the use of solid or liquid fuels.
 - c. Combination gas-oil burning appliances.

- d. Appliances listed for use with chimneys only.
- (3) ***Type B Gas Vents.***
- a. Type B gas vents may be used to vent listed gas appliances except as provided in Subsections (d)(2) and (4) above and Subsection (f)(1).
 - b. For the purpose of this Section, listed gas appliances shall refer to appliances which are shown in a list published by an approved, nationally recognized testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current production of listed models and whose listing states either that the appliance complies with nationally recognized safety requirements or has been tested and found safe for use in a specific manner. Listed gas appliances are considered to be equipped with draft hoods and to produce flue gas temperatures not in excess of five hundred fifty (550) degrees Fahrenheit at the outlet of the draft hood when operating at the manufacturer's normal input rating.
 - c. Listed Type B vents shall be installed in accordance with their listings and the manufacturer's instructions.
 - d. Type B vents installed outside a building or which pass through unheated portions of a building, except that portion above the roof line, shall be equipped with a capped tee with provision for a condensate drain, so arranged that excessive condensation may be disposed of without damage to the foundation, floor, walls or footings.
 - e. Any shape-listed gas vent may be used provided its venting capacity is equal to the capacity of round pipe for which it is substituted and the minimum internal dimension of the gas vent is not less than two (2) inches.
 - f. The gas vent or chimney should extend high enough above the building or other neighboring obstruction so that wind from any direction will not create a positive pressure in the vicinity of the gas vent or chimney termination. Gas vents shall extend at least two (2) feet above the highest point where they pass through a roof or a building and at least two (2) feet higher than any portion of a building of ten (10) feet except that gas vents need not comply with this provision when equipped with an approved device and proper and effective venting is accomplished. Gas vents or chimneys shall not terminate less than four (4) feet in vertical height above the highest connected appliance draft hood outlet or flue collar.
 - g. Gas vents and factory-built chimneys shall extend above the roof surface and through the flashing and shall terminate in a top or listed room assembly with a venting capacity not less than that of the gas vent or chimney. The top shall be of a design to prevent rain and debris from entering the gas vent or chimney.
 - h. All portions of gas vents and chimneys shall be adequately supported for the weight and design of the materials employed. Listed gas vents and factory-built chimneys shall be supported and spaced in accordance with their listings and the manufacturer's instructions.

- i. The gas vent or chimney, when connected to a single appliance, shall be not less than the size of the draft hood outlet, or as provided in this Section. When more than one (1) appliance is connected to a gas vent or chimney, the area of the passageway shall be not less than the area of the largest vent connector, plus fifty percent (50%) of the areas of additional vent connectors or as provided in Subsection h. hereof.
 - (4) **Marking of Type B Vents.** Gas vent systems shall be plainly and permanently identified by a label reading: "This gas vent is for appliances which burn gas only. Do not connect to incinerators or solid or liquid fuel burning appliances." This label shall be attached to the wall or ceiling at a point near where the gas vent system enters the wall, ceiling or chimney.
 - (5) **Type BW Gas Vents.**
 - a. Type BW gas vents shall be used with listed vented recessed heaters when installed with combustible two by four (2 x 4) wall construction.
 - b. Listed Type BW gas vents shall be installed in accordance with their listings and the manufacturer's instructions.
 - c. Type BW gas vents serving a vented recessed heater shall not terminate less than twelve (12) feet in vertical height above the bottom of the heater.
 - (6) **Type C Gas Vents.**
 - a. Type C gas vents shall be used only for runs directly from the space in which the appliance is located through the roof to the outer air. Such gas vents shall not originate in any unoccupied attic or concealed space and shall not pass through any attic, inside wall, concealed space or through any floor.
 - b. When a Type C gas vent passes through a roof constructed of combustible material, it shall be guarded at the point of passage by a method described in Subsection (c)(14) or by a noncombustible, nonventilating thimble not less than four (4) inches larger in diameter than the vent pipe and extending not less than eighteen (18) inches above and six (6) inches below the roof with annular space open at the bottom and closed only at the top.
- (e) **Vent Connectors.**
 - (1) **Materials.** Vent connectors used for gas appliances having draft hoods and for listed conversion burners having draft hoods shall be constructed of materials having resistance to corrosion and heat not less than that of No. 24 U.S. Standard gauge galvanized steel, except that Type B vent material may be used as the connector between the draft hood and the chimney.
 - (2) **Clearance.** Vent connectors shall be located in such a manner that continued operation of the appliance will not raise the temperature of surrounding combustible construction more than ninety (90) degrees Fahrenheit above normal room temperature when measured with mercury thermometers or conventional bead-type thermocouples. Minimum clearances of vent connectors to combustible material shall be in accordance with Table No. 1 of this Section.
 - (3) **Avoid Unnecessary Bends.** The vent connector shall be installed so as to avoid excessive turns or other construction features which create unnecessary resistance to flow of vent gases.

- (4) **Joints.** Vent connectors shall be firmly attached to draft hood outlets by sheet metal screws or other approved means. Vent connectors using listed Type B gas vent material shall be securely assembled, using the method shown in the listing and the manufacturer's instructions. Joints of other than listed Type B gas vent material shall be securely fastened by sheet metal screws or other approved materials.
- (5) **Pitch.** Vent connectors attached directly to side outlet draft hoods, such as on-floor furnaces, shall be pitched upward from the appliance at least one-fourth (1/4) inch per foot. Vent connectors attached to top outlet draft hoods by means of a ninety (90) degree elbow may be horizontal or pitched upward from the appliance. No portion of any vent connector shall be run downward from the appliance nor shall there be any dips or sags.
- (6) **Length.** The horizontal run of the vent connector shall be as short as possible, and the appliance shall be located as near to the gas vent or chimney as practicable. The maximum length of an uninsulated horizontal run of vent connector shall not exceed seventy-five percent (75%) of the height of the gas vent or chimney.
- (7) **Support.** Vent connectors shall be securely supported for the weight and design of the materials employed to maintain proper clearances to prevent physical damage and to prevent separation of the joints. Support shall be accomplished by means of metal hangers spaced not more than six (6) feet on centers. Wire hangers will not be permitted.
- (8) **Provide Vertical Run.** Vent connectors shall have the greatest possible rise consistent with head room available between the draft hood outlet and the start of the horizontal run.
- (9) **Location.** When the vent connector used for an appliance having a draft hood must be located in, or pass through, a crawl space or other area difficult to access which may be cold, that portion of the vent connector shall be listed Type B gas vent material or material having equivalent insulation qualities. Type C gas vent material used as a vent connector shall not pass through any floor or ceiling.
- (10) **Chimney Connection.** When an existing chimney wall is to be pierced for a chimney connection, approval shall be obtained from the Inspection Unit of the Department of Planning and Development before the opening is cut. An inspection shall be made and approved before the connection is made to the opening. In entering a passageway in a masonry or metal chimney, the vent connector shall be installed above the extreme bottom to avoid stoppage. Means shall be employed which will prevent the vent connector from entering so far as to restrict the space between its end and the opposite wall of the chimney. A thimble or slip joint may be used to facilitate removal of the vent connector. The vent connector shall be firmly attached or inserted into the thimble or slip joint to prevent it from falling out.
- (11) **Fireplace.** A vent connector shall not be connected to a chimney serving a fireplace unless the fireplace opening is permanently sealed.
- (12) **Size, Height and Length of Interconnected Vent Connectors.** Two (2) or more vent connectors may be joined through a gas vent manifold or to a gas vent provided that:
 - a. Vent connectors carrying the gases of a single appliance shall have the greatest possible rise consistent with the head room available between the

draft hood outlet and the points of its interconnection to manifold or to common vent.

- b. Size of vent connector shall be equal to or greater than the size shown in Table No. 3 of this Section for the allowable heat input.
- c. When Table No. 3 indicates that a vent connector must have a larger size than the draft hood, the size increase shall be made at the draft hood outlet.

TABLE NO. 1

VENT CONNECTOR CLEARANCES FOR GAS APPLIANCES

Appliance	Minimum Distance From Combustible Material	
	Listed Type B Gas Vent Material	Vent Connectors of Other than Type B Material
Listed Boiler	1 inch or as listed*	6 inches
Listed Warm Air Furnace	1 inch or as listed*	6 inches
Listed Water Heater	1 inch or as listed*	6 inches
Listed Room Heater	1 inch or as listed*	6 inches
Listed Floor Furnace	1 inch or as listed*	6 inches
Listed Incinerator	Not Permitted	18 inches
Listed Conversion Burner (with draft hood)	6 inches	9 inches
Unlisted Appliances (having draft hoods)	6 inches	9 inches
Unlisted Appliances (without draft hoods)	Not Permitted	18 inches

*Where listing by national agency calls for greater distance, that distance shall apply.

The clearances from vent connectors to combustible materials may be reduced when combustible material is protected as specified in Table No. 2.

TABLE NO. 2

CLEARANCES WITH SPECIFIED FORMS OF PROTECTION

Where the Required Clearance with no Protection is:

Type of Protection Applied	6 Inch Clearance Reduced to	9 Inch Clearance Reduced to	18 Inch Clearance Reduced to
1/4-inch asbestos millboard spaced out 1 inch with noncombustible spacers	3 inches	6 inches	12 inches
28-gauge sheet metal on 1/2-inch asbestos millboard	2 inches	4 inches	12 inches
28-gauge sheet metal spaced out 1 inch with noncombustible spacers	2 inches	4 inches	9 inches

The protection applied to combustible construction is required to extend far enough in each direction beyond the vent connector to assure that the minimum distance from any portion of the vent connector to unprotected combustible material is equal to or greater than the required clearance shown in Table No. 1.

TABLE NO. 3

ALLOWABLE INPUT TO VENT CONNECTORS BEFORE INTERCONNECTION

Connector Size in Inches	Maximum Appliance Input—in BTU Per Hour
3	30,000
4	55,000
5	80,000
6	125,000
7	180,000
8	245,000
9 and above	5,000 BTU per square inch of cross-sectional area

- (13) **Dampers.** Manually operated dampers shall not be placed in the vent connector from any gas appliance except an incinerator. Fixed baffles ahead of draft hoods are not classified as dampers.
- (14) **Use of Thimbles.**
- a. When passing through combustible walls or partitions, vent connectors built of listed Type B gas vent material shall be installed so that the clearances required by the listing are maintained.
 - b. Vent connectors made of other than Type B vent material shall not pass through any combustible walls unless they are guarded at the point of passage by ventilated thimbles not smaller than the following:
 - (1) For listed appliances, except incinerators — four (4) inches larger in diameter than the vent connector, unless there is a run of not less than six (6) feet of vent connector in the open, between the draft hood outlet and the thimble, in which case the thimble may be two (2) inches larger in diameter than the vent connector.
 - (2) For unlisted appliances having draft hoods — six (6) inches larger in diameter than the vent connector.
 - (3) For incinerators and unlisted appliances — twelve (12) inches larger in diameter than the vent connector.
 - c. In lieu of thimble protection, all combustible material in the wall shall be cut away from the vent connector a sufficient distance to provide the clearance required from such vent connector to combustible material. Any material used to close up such opening shall be noncombustible.
- (15) **Size.** Vent connectors shall not be smaller than the size of the flue collar or the draft hood outlet. When the appliance has more than one (1) draft hood outlet and in the absence of the appliance manufacturer's specific instruction, the vent connector shall equal the combined area of the draft hood outlets for which it acts as a common connector to the gas vent chimney.
- (f) **Special Venting Arrangements.**
- (1) **Appliance with Sealed Combustion Chamber.** The provisions of draft hoods in Subsections (a) through (e) do not apply to listed appliances having sealed combustion chambers and which are so constructed and installed that all air for combustion is derived from outside the space being heated and all flue gases are discharged to the outside atmosphere. Such appliances, having integral venting, shall be considered as being properly vented when they are installed in accordance with their listing and the manufacturer's instructions.
 - (2) **Gas Vent and Chimney Exhausters.** Forced venting and exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the Building Inspector. However, when used, the following regulations shall apply:
 - a. When an exhauster is used with gas appliance requiring venting, provisions shall be made to prevent the flow of gas to the main burner in the event of failure of the exhaust system.

- b. A vent connector serving a gas appliance vented by natural draft shall not be connected into the discharge side of a power exhauster.
 - c. Where an induced draft or forced draft fan is used with gas, oil or solid fuel, it shall be equipped with a control that will not allow the burner to start until proper draft has been established.
- (g) **Engineered Vent Systems.** The size of chimneys, gas vents or vent connectors specified in this Section shall not necessarily govern where standard engineering methods have been used to design the vent system.
- (h) **Flues or Vents.** This Section applies only to natural draft venting. Forced venting or exhaust systems and power burners usually require special engineering and shall, in all cases, be subject to the approval of the Building Inspector:
- (1) **Check Flue or Vent.** Before connecting a flue or vent connector, the flue or vent shall be examined to ascertain that it is properly constructed, clear and will freely conduct the products of combustion to the outer air.
 - (2) **Size.**
 - a. For conversion burners not exceeding four hundred thousand (400,000) hourly BTU input, the internal cross-sectional area of the vent connector and the vent flue shall be such as to provide not less than one (1) square inch of flue area per six thousand five hundred (6,500) BTU combined input of all gas appliances connected to such flue pipe as set forth in Table No. 3. In no case shall this flue pipe be less than five (5) inches in diameter.
 - b. For conversion burners exceeding four hundred thousand (400,000) hourly BTU input, where the chimney or vertical flue is of such height as to provide a high draft intensity, the area of the chimney or vertical flue may be based on an input of greater than six thousand five hundred (6,500) BTU per square inch of cross-sectional area, subject to the approval of the Building Inspector.

TABLE NO. 4

MINIMUM PERMISSIBLE FLUE SIZES
FOR GAS CONVERSION BURNER INSTALLATIONS

Input Rating BTU Per Hour	Area of Flue Outlet — Sq. In.	Diameter of Flue Pipe — Inches
120,000	19.6	5
160,000	28.3	6
250,000	38.5	7
320,000	50.3	8
410,000	63.6	9

(i) **Insufficient Draft or Down-Draft to be Provided Against.** In the event conditions at the time of installation are such that the chimney or vertical flue has insufficient natural draft to properly carry away the products of combustion, provision shall be made to rectify existing conditions or provide mechanical means of maintaining constant up-drafting during appliance operation. The draft must be proved before the burner may be operated.

(j) **Smoke Pipes.**

(1) ***Required Weight of Metal Smoke Pipes Used with Solid and Liquid Fuels.*** For each and every steam or hot water boiler, warm air furnace or incinerator hereafter installed under the provisions of this Code, the area of the breaching or smoke pipe shall not be less than the area of the smoke collar of the boiler or furnace to which it is connected, and each such breaching or smoke pipe shall be made of material equal in durability to galvanized iron of thicknesses (U.S. Standard Gauge) for the various breaching or smoke pipes, not less than the following:

For areas from 13 to 113 square inches -- No. 24 Gauge.

For areas from 114 to 177 square inches -- No. 18 Gauge.

For areas from 178 to 314 square inches -- No. 16 Gauge.

For areas from 315 to 616 square inches -- No. 14 Gauge.

For areas from 617 to 1,017 square inches -- No. 12 Gauge.

For areas from 1,018 to 2,827 square inches -- No. 10 Gauge.

(2) ***Smoke Pipes, How Installed.***

a. Each such breaching or vent connector or smoke pipe shall be lock seamed or riveted, with all joints lapped not less than one and one-half (1-1/2) inches or be rigidly secured, and shall have proper construction for making tight connection to chimney flue the full thickness of masonry and shall not extend more than one-fourth (1/4) inch beyond liner.

b. The smoke pipe shall extend full size of the chimney flue for not less than one and one-half (1-1/2) diameters nor more than two (2) diameters so that additional appliances may be properly vented into the manifold.

c. Smoke pipes shall be supported by means of strap hangers spaced not less than six (6) feet on centers. Wire hangers will not be permitted.

d. Each such breaching or smoke pipe shall be short and direct to the chimney flue as possible and shall be installed with a pitch upward of not less than one-fourth (1/4) inch per running foot.

(3) ***Multiple Smoke Pipe Connections.*** Two (2) or more smoke pipes shall not be jointed for a single flue connection unless the smoke pipe and flue are of sufficient size to serve all the appliances so connected. The manifold for multiple smoke pipe connections shall be designed and installed so that the inlet connections enter so as not to cause opposed venting.

(4) ***Clearances.*** No part of any smoke pipe shall be placed nearer to any combustible ceiling than one and one-half (1-1/2) times the diameter of the pipe or nearer to any combustible wall than one (1) diameter of the pipe, but the above distances may be

reduced by one-half (1/2) if the wall or ceiling is covered with one-fourth (1/4) inch asbestos paper and a metal shield so fastened so that an inch space exists between this shield and the combustible material.

(k) **Dampers.**

- (1) All smoke pipes on hand-fired coal equipment shall be provided with a check damper placed on the side of the smoke pipe or at the end of a tee. Where cast iron smoke pipe dampers are used, they must be placed between the check damper and the heating equipment and supported on both sides of the pipe. The smoke pipe on all incinerators that is not fired by auxiliary fuel shall have a cast iron damper to control the draft.
 - (2) Automatically operated dampers shall be of approved type designed to maintain a safe damper opening at all times and arranged to prevent starting of the burner unless the damper is opened, at least twenty percent (20%) of the internal cross-section area.
- (l) **Draft Regulators.** A draft regulator or draft hood shall be provided for all fired appliances, unless the burner is listed for use without one.

Sec. 10-1-48 through Sec. 10-1-59

Reserved for Future Use.

Article D: Penalties; Fees

Sec. 10-1-60 Fees.

All building permit fees required by this Chapter shall be established by Resolution of the Town Board of the Town of Westport. These fees shall be subject to review and amendment. If a building permit is not obtained prior to commencement of construction, the fees shall be doubled.

Sec. 10-1-61 Certificate of Occupancy.

- (a) **New Buildings.** No building hereafter erected shall be used or occupied in whole or in part until all inspections required hereunder have been made and the Building Inspector or Clerk/Treasurer has issued a Certificate of Use and Occupancy upon such forms as may be designated by the Building Inspector.
- (b) **Buildings Altered.** No building hereafter enlarged, extended, or altered to change from one use to another, in whole or in part, and no building hereafter altered for which a Certificate of Use and Occupancy has not been issued heretofore, shall be occupied or used until a certificate certifying that the work has been completed in accordance with the provisions of the approved permit.
- (c) **Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Use and Occupancy provided there are no violations of law or orders of the building officials pending and it is established that the alleged use of the building- has heretofore existed. Nothing in this Code shall prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.
- (d) **Temporary Occupancy.** Upon the request of the holder of a building permit, the Building Inspector or Clerk/Treasurer may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

Sec. 10-1-62 Severability.

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

Sec. 10-1-63 Penalties.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector, or his/her designee, shall promptly report

all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error oversight or dereliction of duty on the part of the Building Inspector, or his/her designee or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- (b)
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector, or his/her designee, 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 Sec. ILHR 20.10(1)(c), Wis. Adm. Code.
 - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his/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, or his/her designee, after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector, or his/her designee, may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Westport charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town 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 Town until the final determination of the proceedings therein.