Chapter 66
BUILDING CODE

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66.1. Purpose

66.1-1. *Purpose.* It is the purpose of this Code to regulate and govern the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for issuance of permits and the collection of fees therefor. This chapter shall apply to new structures and to alterations and additions to existing structures within the boundaries of the Oneida Reservation.

66.2. Adoption, Amendment, Applicability and Repeal

66.2-1. This Code is adopted by the Oneida Business Committee by Resolution # BC-03-23-11-E.

66.2-2. This Code may be amended, or repealed, by the Oneida Business Committee or by the Oneida General Tribal Council.

66.2-3. Should a provision of this Code or the application of this Code be held as invalid, such invalidity shall not effect other provisions of this Code.

66.2-4. In the event of a conflict between a provision of this Code and a provision of another code, law, ordinance, policy, regulation, rule, resolution or motion, the provisions of this Code shall control. Provided that, nothing in this Code is intended to repeal or modify any existing code, law, ordinance, policy, regulation, rule, resolution or motion, except that the following is hereby repealed:

(a) BC-7-21-93-A (Adoption of the Building Code of the Oneida Reservation)

66.2-5. This Code is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

66.3. Definitions

66.3-1. This section shall govern the definitions of words and phrases used within this Code. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Accessory Building" means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use. This may include buildings used for, or incidental to, any agricultural use; private garages attached or detached, open sheds, roof-covered patios, tool sheds and similar structures.

(b) “Alley” means a public thoroughfare which affords a secondary means of access to abutting property and is generally less than twenty feet (20') wide.

(c) “Building” means:

(1) Noun. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

(2) Verb. Any enlargement, alteration, movement or demolishing of any building or structure, and also any new heating plant or any material alteration in any existing heating plan, toilet room or elevator.

(d) “Family” means one (1) adult occupant plus one (1) or more persons who have a family relationship with that occupant, such as husband and wife, son or daughter, mother or father, brother or sister, mother-in-law or father-in-law.

(e) “Inspector” means the Zoning Administrator, or any Inspector of the Oneida Zoning Department.

(f) “Owner” means the Oneida Tribe of Indians of Wisconsin, every person, firm, partnership, or any individual Tribal member thereof, the State of Wisconsin, any county or municipality, any sewer district, drainage district, and any Tribal corporation or Tribal organization having an interest in property of any kind, including the representative, officer, agent or other person having the ownership, control, custody or management of any building.

(g) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(h) “Structural alteration” means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, except such alteration as may be required for the safety of the building.

(i) “Structure” means anything constructed the use of which requires location on the ground or attachment to something having a permanent location on the ground.

(j) “Tribe or Tribal” means the Oneida Tribe of Indians of Wisconsin.

(k) “Zoning Administrator” means the Tribal official responsible for overseeing and monitoring construction projects, and maintaining records related to building permits, inspections and fees, and shall include and refer to any authorized agent of the Zoning Administrator. Where applicable within this Code, the term Zoning Administrator may also include Building Inspectors, who are employed through the Zoning Department.

66.4. Standards

66.4-1. *Incorporation of Provisions by Reference*. Subject to modifications specified in this Code, this Code incorporates by reference the standards as set forth in the following Wisconsin Administrative Codes: Chapters Comm 14, Comm 20 through 25, and Comm 61 through 66. These standards shall apply until amended and then shall apply as amended.

(a) The Tribe’s submission of plans pursuant to Comm 61.31(3) shall not be construed as an acceptance of the Wisconsin Department of Commerce regulatory authority over the Tribe’s construction activities.

66.4-2. This Code shall not be interpreted to be more lenient than the Wisconsin Administrative Code rules and regulations promulgated pursuant to Chapter 101, Wisconsin Statutes, and any

conflict between those rules and regulations and this Code shall be resolved in favor of this Code.

66.4-3. Nothing contained in this Code shall be construed as a waiver of the Tribe's sovereign immunity.

66.5. Zoning Administration and Inspections

66.5-1. *Duties.* The Zoning Administrator shall enforce all Federal and Tribal laws and lawful orders relating to the construction, alteration, repair, removal, location, occupancy, safety and use of buildings and permanent building equipment.

66.5-2. *Records.* The Zoning Administrator shall keep records of the following matters and shall make annual reports to the Business Committee on such records:

(a) all applications for building permits; regularly numbering each permit in the order of its issue;

(b) the number, description and size of every building erected during each term of office, indicating the materials used and the cost of each building, and the aggregate cost of all buildings of the various classes;

(c) all inspections made and all removals and condemnations of buildings; and

(d) all fees, showing the dates of receipt and delivery to the Administrator.

66.5-3. *Powers.*

(a) Inspection. The Zoning Administrator may at all reasonable times for any proper purpose enter upon any public or private premises and make inspections thereof and may require the permit for any building, electrical, heating or plumbing work, or the required license therefor, to be produced for inspection.

(b) Emergency Powers. The Zoning Administrator shall have such emergency powers as are necessary to fulfill the purpose and intent of this Code; that is, to promote the public health, safety and welfare.

66.6. Building Permits

66.6-1. *Building Permit Required.* No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure or cause the same to be done, or shall commence any work covered by this Code on any structure without first obtaining a building permit therefor from the Zoning Administrator; provided that, the Zoning Administrator may authorize minor repairs not involving structural alterations without requiring a building permit to be issued, in accordance with section 66.6-5.

66.6-2. *Application.* An application for a building permit shall be filed with the Zoning Administrator on a blank form to be furnished for that purpose. Such application shall include:

(a) a description of the land upon which the proposed building or work is to be done, either by

(1) lot, or

(2) block, or

(3) tract, or

(4) similar general description which will readily identify and definitely locate the proposed building or work

(b) the use or occupancy of all parts of the building,

(c) such other pertinent information as may be required by the Zoning Administrator.

66.6-3. *Information to Accompany Application.* The application for a building permit shall be accompanied by the following information, as necessary or required:

(a) A site plan. A site plan shall indicate the detailed legal description of the property as it appears of record. Each application for a building permit shall be accompanied by two (2) copies of the site plan, drawn to scale, not less than one inch (1") equal to twenty feet (20') , and not more than one-sixteenth inch (1/16") equal to one foot (1'), showing:

(1) the actual dimensions of the lot to be built upon;

(2) the size and location of the building or buildings to be erected;

(3) the proper relationship of the building or buildings to the exterior lines of existing or proposed streets shown on the official map; and

(4) such other information as may be necessary to provide for the enforcement of this Code.

(b) The following data:

(1) The location of streets, alleys, lot lines and any other buildings on the same lot or property.

(2) The name of the owner.

(3) The intended use or uses of all rooms.

(4) Computations, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Zoning Administrator.

(c) Foundation specifications, including:

(1) information concerning the size and material of the foundations; and

(2) if required, the loads to be placed thereon; and

(3) the location where piles shall be driven; and

(4) the spacing, size and materials of the piles and the load to be placed on each.

66.6-4. In the case of unplatted land or parcels conveyed by metes and bounds, the site plan together with sufficient measurements shall be submitted by the Zoning Administrator to the following Tribal Departments, to certify whether the proposal conflicts with any official plans or ordinances:

(1) Division of Land Management;

(2) Engineering Department;

(3) Environmental Health and Safety Division; and

(4) Utilities Department.

66.6-5. *Filing May Be Waived.* The application and the filing of plans may be waived at the discretion of the Zoning Administrator, provided the cost of such work does not exceed three thousand dollars ($3,000).

66.6-6. *Conditions of Approval of Application.*

(a) Sanitary Sewers. Where sanitary sewers are not installed or immediately available, no building permit shall be issued by the Zoning Administrator until proper plans and approvals are obtained from the appropriate parties.

(b) Right to Inspect. As a condition of granting a building permit, the Zoning Administrator or any Inspector may enter any premises for which such permit was issued, to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use and location of such building, at any reasonable time during the course of the work and until final inspection and approval thereof have been given.

(c) Buildings Requiring Additional Plan Review.

(1) Approval of Plans. Before a permit is issued for any building listed in section (2) below or for the equipment for remodeling any such building; complete plans

and specifications, including a site plan showing the position of the building with respect to lot lines, shall be submitted to the Wisconsin Department of Commerce for review. Such plans shall also be submitted to the Wisconsin Department of Commerce in such number as will permit a complete set of reviewed plans and specifications, together with any correspondence concerning such review by the Wisconsin Department of Commerce, to be filed with the Zoning Administrator.

(2) Types of Building Plans to be Submitted to Wisconsin Department of Commerce:

(A) All buildings of thirty feet (30') span or greater.

(B) All two (2) story buildings having a floor area at the second floor level greater than two thousand (2,000) square feet.

(C) All buildings three (3) stories or taller.

(D) All hospitals, assembly halls, churches, public garages, places of detention, dormitories and schools.

(E) Buildings with more than two (2) apartments.

(F) All one (1) story buildings having a floor area greater than five thousand (5,000) square feet.

(G) All remodeling of buildings where the area of alteration is greater than ten thousand (10,000) square feet.

(H) All laundries and dry cleaning plants.

(I) All elevator installations, including shaftway construction.

(J) All heating and ventilating installations in all buildings except one (1) family or two (2) family residences.

(K) Others. All other buildings required by the Zoning Department.

(3) Changes in Approved Plans. After plans have been approved for buildings and equipment thereof, no changes shall be permitted unless such changes are reviewed by the Wisconsin Department of Commerce and approved by the Zoning Department.

(4) Inspection of Buildings Requiring Wisconsin Department of Commerce Plan Review. The Zoning Administrator shall make inspections and require such changes as are necessary for buildings and their equipment to conform to approved plans, or to the approved changes in such approved plans, that have been filed with the ZoningDepartment.

66.6-7. *Specifications Shall Be in Detail.* All specifications in which vague and/or generalized expressions are used, such as stating that work shall be done “in accordance with the Oneida Building Code” or “to the satisfaction of the Zoning Administrator of the Oneida Reservation” shall be deemed imperfect and incomplete; and every reference to the Building Code shall be to the section or subsection applicable.

66.6-8. *Issuance of Building Permit.*

(a) When a Permit Shall be Issued. If the application, plans and specifications conform to the requirements of this Code and to all other laws or ordinances applicable thereto, the Zoning Administrator shall, upon receipt of the required fee, issue a building permit for such work in the name of the owner and shall sign, date and endorse in writing or by rubber stamp both sets of plans and specifications as “approved.”

(b) Possession of Plans and Specifications. One (1) such approved set of plans and specifications shall be retained by the Zoning Administrator and one (1) shall be returned to the applicant, which set shall be kept at the site of such work at all times until the work

authorized thereby is approved. Plans and specifications shall not be altered without written permission from the Zoning Administrator.

(c) Evidence of Permit. With every permit issued, the Zoning Administrator shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. The permit holder shall place such card in a conspicuous place on the site of such authorized work, the card to be unobstructed from the public view and available for inspectors to mark.

(d) Lapse. A building permit shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof and completed or resumed within one (1) year from the date thereof. If further construction is necessary after one (1) year, the permit holder shall make written application in duplicate to the Zoning Administrator stating the reasons for the request for an extension, at least ninety (90) days prior to the expiration of the building permit.

(e) Revocation.

(1) If the Zoning Administrator finds at any time a lack of compliance with the ordinances, laws, orders, plans and specifications herein, the building permit shall be revoked.

(i) Means of Revocation. Revocation shall occur by means of written notice served on the general contractor, or on the person in charge of that phase of work in which the error or violation has occurred, and upon the owner.

(ii) Service. Such service shall be either personal or by mailing a copy of such notice to the known address of such person, and there shall likewise be posted a copy of such notice at the work site.

(2) When any permit is revoked, no person shall do any further work upon such building until a new permit is issued.

(i) *Exception.* The Zoning Administrator may authorize the completion of work as reasonably necessary to protect:

(A) work already completed on the job;

(B) existing property;

(C) adjoining property; and/or

(D) the health, safety or welfare of the general public.

(f) Violations and Errors Not Excused By Issuance. The issuance of a permit or the approval of plans and specifications shall neither be deemed nor construed to be permission for or approval of any violation of any provision of this Code. No permit shall presume to give authority to violate, or to fail to comply with, the provisions of this Code, although any permit shall be valid insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of work, that would cause work to be in violation of this Code or of any other Tribal law, the Zoning Administrator may require the correction of such errors and may rescind the permit and prevent building operations from being further carried on thereunder.

(g) Preliminary Foundation Permit May Be Issued. The Zoning Administrator may issue a preliminary foundation permit allowing the permittee to construct the foundation of any building for which a permit is sought, where:

(1) the person has applied for a building permit; and

(2) the person has complied with all of the provisions of this section, particularly with respect to review and approval of the site plan and other necessary conditions of approval; and

(3) all necessary information provided hereunder has been reviewed and approved by the appropriate Tribal departments; and

(4) the only information remaining to be approved is the computation, stress diagrams and other data necessary to show the correctness of the plans for that portion of the building to be constructed above the foundation.

(h) Final Foundation Permit May Be Issued. After a preliminary foundation permit is issued, and once plans and specifications for the remainder of the building to be constructed above the foundation are in proper order and approved, the Zoning Administrator may issue the final permit.

66.7. Fees and Insurance Requirements

66.7-1. *Fees*. All inspection fees, permit fees and any other fees related to the administration of this Code shall be established from time to time by Resolution of the Oneida Business Committee, upon recommendation by the Zoning Administrator.

66.7-2. Wherever a party is required under this Code to carry liability insurance or to post a bond, that amount shall be established from time to time by Resolution of the Oneida Business Committee, upon recommendations of both the Risk Management Director and the Zoning Administrator.

66.8. Cash Deposit Guaranteeing Compliance

66.8-1. *Required.* Upon issuance of a building permit, except for minor alterations, a refundable cash deposit of one hundred dollars ($100) shall be posted with the Zoning Administrator by the owner. In lieu of a one hundred dollar ($100) cash deposit for each building permit, the owner may provide a cash deposit of one hundred dollars ($100) covering all permits issued. Such deposit shall be maintained at or above one hundred dollars ($100), and the Zoning Administrator shall not issue additional permits if the deposit falls below one hundred dollars ($100). Any deficit incurred in correcting violations shall be reimbursed to the Tribe. Such deposit shall be refunded when the owner no longer has any active permits. The deposit shall constitute an agreement on the part of the owner to assume responsibility for compliance with this Code on behalf of all persons directly or indirectly employed in the work for which the permit was secured.

66.8-2. *Compliance.* If the Zoning Administrator determines that a violation of this Code exists, written notice shall be given to the foreman on the site and to the owner ordering compliance within not less than four (4) hours nor more than forty-eight (48) hours. If compliance has not been accomplished upon expiration of this order, the Tribe may undertake to correct the violation, with all costs being deducted from the cash deposit posted by the owner. If the cost to the Tribe of correcting a violation exceeds the cash deposit the remainder may be charged to the owner in the form of a special assessment on the property.

66.8-3. *Owner Responsible for Expenses.* An owner that transfers title to the property prior to payment of all charges for the correction of violations under this Code, shall remain responsible for such corrections and no further permits shall be issued until such payment is made.

66.8-4. *Cash Deposit Refunded.* Upon issuance of a certificate of occupancy, the cash deposit shall be returned, less any deductions made for the correction of violations by the Tribe.

66.8-5. *General Penalty Not Excluded.* No portion or provision of this section shall prevent the Tribe from invoking the general penalty, as described in section 66.9.

66.9. General Penalty

66.9-1. Any person who shall violate any provision of this Code or any rule, regulation or order made hereunder shall be subject to a penalty as provided in this Code and/or the Zoning and Shoreland Protection law; except that the minimum penalty for each offense shall be twenty-five dollars ($25), and the maximum penalty for each violation shall not exceed three hundred dollars ($300).

66.10. Unsafe Buildings, Razing or Repair

66.10-1. *Order to Raze.* Where premises are located within Reservation boundaries, upon which is located any building or part thereof that is so old or dilapidated, or has become so out of repair, as to be unsafe, unsanitary or otherwise unfit for occupancy or use, and where it would be unreasonable to repair the same, or where there has been a cessation of normal construction of any building or structure for more than two (2) years, the Zoning Administrator shall order the owner to raze and remove such building or part thereof, or, if it can be made safe by repairs, then the Zoning Administrator may order the owner to make it safe and sanitary.

66.10-2. *Compliance with the Order*. The order shall specify a time within which the owner shall comply therewith and shall specify repairs, if any. Such order shall be served on the owner of record or an agent, where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons to the Tribe's judicial body. If the owner or a holder of an encumbrance of record cannot be found within the State of Wisconsin, the order may be served by posting it on the main entrance of the building and by publishing it in the Kalihwisaks for two (2) consecutive publications at least ten (10) calendar days before the time limit in the order commences to run.

66.10-3. *Failure to Comply With Order.*

(a) If the owner fails or refuses to comply within the time prescribed, the Zoning Administrator shall cause such building or part thereof either:

(1) to be razed and removed through any available public agency or by contract or arrangement with private persons, or

(2) to be closed, if unfit for human habitation, occupancy or use.

(b) The cost of razing and removal or closing shall be charged against the real estate and shall be assessed and collected as a special levy.

66.10-4. *Cost of Razing and Removal; Sale of Salvageable Material.* When any building has been ordered razed and removed, the Zoning Administrator, under such contract or arrangement, may sell the salvageable and valuable material at the highest price obtainable.

(a) The proceeds of such sale, after deducting the expense of such razing and removal, shall be promptly remitted to the Tribe's judicial body with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to the order of the Tribe.

(b) If there remains no surplus to be turned over to the Tribe, the report shall so state.

66.10-5. *Closure of a Building Unfit for Human Habitation, Occupancy or Use.* Where the Zoning Administrator posts a placard stating: "This Building Cannot be Used for Human Habitation, Occupancy or Use" on any building, such notice shall prohibit the use of such building for human habitation, occupancy or use until the necessary repairs have been made.

(a) Any person who rents, leases or occupies a building which has been condemned for human habitation, occupancy or use shall be liable to a forfeiture of not less than five dollars ($5) nor more than three hundred dollars ($300) for each week of such violation.

66.10-6. *Penalties.* Any person receiving notice as herein provided who fails or neglects to comply with the directions therein contained shall be subject to the penalties set forth in this Code.

66.11. Structural Portion to Be Inspected

66.11-1. The following shall not be covered or concealed in any manner without first securing the approval of the Zoning Administrator:

(a) The structural portion of any part of any building or structure not supervised by an architect or professional engineer or their authorized representatives; and

(b) Reinforced steel, structural framework of iron or steel, brick, concrete block, frame or any other materials used in the structural part of any building.

66.11-2. The Zoning Administrator shall be notified at least one (1) business day prior to such time as the work is to be inspected.

66.12. Successive Inspections to Be Made

66.12-1. No work shall be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the Zoning Administrator. Upon notification by the permit holder of the completion of each of the respective steps in construction, the Zoning Administrator shall make the following successive inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or an agent wherein the same fails to comply with this Code.

66.12-2. *Inspection of Poured and Block Foundations.* The Zoning Administrator shall be notified when forms for footings are in and ready to be poured. Forms for footings shall be framed with a minimum depth of six-inch (6") framing members. The Zoning Administrator shall be notified when footings are in and concrete for walls is ready to be placed. Re-inspection shall be called for to inspect tile, stone and damproofing. Block foundations shall be checked after walls have been erected and stone, tile and damproofing have been installed.

66.12-3. *Inspection of the Structure.* Inspection shall be made after the roof is in place, all framing, fireblocking and bracing are in place and all pipes, chimneys and vents are complete.

66.12-4. *Final Inspection.* Inspection shall be made after the building is complete and ready for occupancy.

66.12-5. *Issuance of a Certificate of Occupancy.* The Zoning Administrator, Tribal Master Plumber, Electrical Inspector, Environmental Health and Safety Division, Engineering Department agents and Fire Inspector shall each make a final inspection of all new buildings, additions and alterations, and the Zoning Administrator shall issue a Certificate of Occupancy, if:

(a) no violation of this Code or any other ordinance, law or order is found;

(b) there is a sewer connected to the Tribal Sanitary District or a system approved by ordinance;

(c) the building, addition or alteration is connected with adequate water supply; and

(d) there is access to the premises by a graded and graveled public road.

66.12-6. A Certificate of Occupancy shall state the purpose for which the building is to be used, and the maximum load and maximum number of persons that may be accommodated on each floor thereof.

(a) No building or part thereof shall be occupied until such Certificate has been issued except with the written consent of the Zoning Administrator, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the Certificate of Occupancy.

(b) In no case shall a Certificate of Occupancy be issued until complete compliance with the conditions stipulated on the site plan have been met, except such Certificate may be issued prior to complete compliance providing a cash bond in an amount equal to the cost of site plan compliance has been deposited with the Zoning Administrator. If all conditions have not been met within sixty (60) calendar days after notice by the Zoning Administrator, the Zoning Administrator may cause the necessary installations to be made as provided in the site plan and charge the same to the case bond account for that particular building.

66.13. Excavations

66.13-1. *Excavation Plans to Be Submitted in Advance.* Before commencing with excavation or driving piles for any foundation of any building or structure, a building permit shall be obtained. The application for a building permit shall be filed with the plans and specifications of the building, showing the location of the building or structure, the size and material of the foundations and, if required, the loads to be placed thereon, where piles are to be driven, the spacing, size and materials of the piles and the load to be placed on each.

66.13-2. *Guard Rails.* Any person making excavations or causing the same to be made shall properly guard them and shall so protect them that the adjoining soil shall not cave in. No person shall excavate so as to injure any adjoining soil, ground or building. Wherever such excavations are made within ten feet (10') of any sidewalk, street, or alley; guard rails, warning lights and signs determined to be proper by the Zoning Administrator shall be installed and maintained. The Zoning Administrator may require guard rails around such other excavations as such official believes are necessary to ensure the protection of the public.

66.14. Abandoned or Water-Filled Excavations

66.14-1. *Open Basement.* Any open basement or basement excavation that is not worked on for a continuous period of sixty (60) calendar days after the commencement of building or razing shall constitute a nuisance; and the owner or contractor shall, within forty-eight (48) hours after written notice by the Zoning Administrator, cause such basement or basement excavation to be properly filled and leveled off to the original grade.

66.14-2. *Fill and Debris.* The Zoning Administrator may notify the owner of a property, and order the removal within forty-eight (48) hours, of fill and debris on land or lots which are not leveled off or removed within thirty (30) calendar days after deposit of same, thus causing a Tribal nuisance or rodent harborage or preventing noxious weeds from being cut.

66.14-3. *Water-Filled Excavations.* Any open basement or basement excavation in which one foot (1') or more of water is permitted to stand shall constitute a nuisance and the owner shall, within forty-eight (48) hours after written notice by the Zoning Administrator, cause the excavation or basement to be pumped dry.

66.14-4. *Publication of Notice.* If the address of the owner or contractor cannot be ascertained with reasonable diligence, then the forty-eight (48) hour period provided in sections 66.14-1 through 66.14-3 shall commence to run at the beginning of the day following two (2) successive publications of the notice in the Kalihwisaks.

66.14-5. *Failure to Comply.* Failure to comply with a notice of the Zoning Administrator shall be cause to have the work done and the cost thereof charged back to the property or property owner.

66.15. Littering and Damage to Property

66.15-1. *General Provisions.* No person engaged in work for which a building permit has been issued shall cause, maintain or permit the littering of property with mud, dust, brush, stumps, tree limbs, construction or other types of debris; nor shall such person cause damage to any public street, sidewalk, alley, curb, gutter, sewage system or property.

66.15-2. *Littering at Razing or Removal Site.* No person shall leave litter, building debris, excavations or ground piles on property where a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing, thus causing a public safety hazard and nuisance, the Zoning Administrator shall provide the owner with written notice, specifying a definite period with which persons concerned shall clean up the property and level off the ground to the adjoining level. If the terms of the notice are not met, the Zoning Administrator shall cause such work to be done, and the cost thereof shall be borne by the property or the property owner.

66.16. Contractors' License

66.16-1. Any person who enters into a written or oral contract with a consumer to construct, remodel or repair any building for which a building permit is required shall be a licensed contractor in accordance with Wisconsin Administrative Code, Ch. Comm 5.

66.17. Lot Corners

66.17-1. *To Be Monumented.* Prior to issuance of a building permit, all lot corners of the property upon which any building or structure is to be located shall be monumented by a registered land surveyor. These monuments shall be marked by wooden guard stakes.

66.17-2. *Monuments to Be Maintained.* The lot corner monuments and guard stakes shall be maintained and kept readily visible until the footings have been inspected and approved by the Zoning Administrator.

66.18. Minimum Building Elevations

66.18-1. The first habitable floor of any building or structure shall not be constructed below the flood protection elevation, which is an elevation of two feet (2') above the centerline elevation of the road adjacent to which the structure faces.

66.18-2. Basements not designed for permanent habitation may be permitted at a lower elevation, if certified by a registered Professional Engineer or Architect and adequately flood-proofed, as determined by the Engineering Department.

66.18-3. Uses requiring floodproofing measures shall be designed consistent with the flood protection elevation. The Zoning Administrator shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood protection elevation. Floodproofing measures shall include but are not limited to the following:

(a) Installation of watertight doors, bulkheads and shutters.

(b) Reinforcement of walls to resist water pressure.

(c) Use of paint, membrane or mortar to reduce seepage of water through walls.

(d) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.

(e) Pumping facilities for subsurface drainage systems for buildings, to receive external foundation wall and basement floor pressures.

(f) Construction to resist rupture or collapse caused by water pressure or floating debris.

(g) Installation of cutoff (backwater) valves on sewer lines and/or elimination of gravity flow basement drains.

(h) Anchorage to resist flotation and lateral movement.

(i) Addition of mass or weights to structures to resist flotation.

(j) Installation of pumps to lower water levels in structures.

66.18-4. Accessory uses such as parking lots, yards and other similar land or open land uses may be permitted below the flood protection elevation.

66.18-5. Fill shall be placed around buildings and structures sixteen to eighteen inches (16"-18") below the flood protection elevation and shall extend at such elevation at least fifteen feet (15') in each direction from the structure thereon. Fill material shall be stabilized in a manner recommended by the U.S. Soil Conservation Service and protected against erosion.

66.19. Materials Approved by Wisconsin Department of Commerce

66.19-1. Materials not listed in this Code but approved by the Wisconsin Department of Commerce may be used in any building within the Reservation boundaries, provided the necessary test sheets verifying such approval are on file in the office of the Zoning Administrator.

66.20. Razing of Buildings

66.20-1. *Permit Required.* No person shall hereafter raze any building without first securing a razing permit from the Zoning Department and a permit for the sealing of the sewer from the Utilities Department.

66.20-2. *Insurance.* No permit shall be granted unless the applicant files a certificate of insurance with the Director of Risk Management, establishing that the applicant has obtained insurance and posted any required bonds.

(a) An applicant shall agree to indemnify and hold the Tribe and all Tribal entities harmless from all liability arising out of the job.

(b) Insurance shall not be cancelled or reduced without thirty (30) calendar days prior written notice to the Director of Risk Management. Such notice shall suspend the permit, and no work shall be done under such permit until a new insurance certificate complying with this subsection has been filed with Risk Management. .

(c) Exceptions. A certificate of insurance shall not be required of a person seeking a razing permit if:

(1) The building is located in a residential zoning district and set back at least ten (10) feet from all property lines, or

(2) The building is located in any zoning district, is an accessory building, is no greater than one (1) story and is set back at least ten feet (10') from all property lines, or is constructed and situated upon the property so that the same may be razed with no damage resulting to the person or property of others as determined the Zoning Department and by the Director of Risk Management.

66.20-3. *Requirements.* The holder of a razing permit shall comply with the following requirements:

(a) Property to be Protected. Streets, alleys and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on street or alleys, they shall be properly protected with a top cover of planks, guard rails and toe-boards, to prevent the falling of debris on sidewalks or streets. The top of the scaffold shall be at least eight feet (8') above the sidewalk or alley.

(b) Walls to be Supported. No person shall remove all horizontal support from exterior walls or partitions, thereby permitting them to stand unsupported.

(c) Buildings to be Razed Floor-by-Floor. In buildings of more than one (1) story, the exterior walls, interior partitions and other supports shall be removed floor-by-floor, using the floor below as protection from falling debris and to prevent exterior and interior walls from collapsing.

(d) Razing to be Gradual. No walls, chimneys or other construction shall be allowed to fall en masse on a floor; and bulky material such as beams and columns shall be lowered and not thrown.

(e) Cranes. Provided that there is compliance with the above requirements, cranes may be used in wrecking or demolishing buildings.

(f) Sewers. When a building is moved or demolished, its sewer shall be located at a point outside the foundation lines and sealed off. The plug or seal shall not be covered until approval has been given by the Tribal Master Plumber.

(g) Obstruction of Streets. When razing requires the obstruction of a public street, alley or sidewalk, a permit shall be obtained from the authority having jurisdiction over the right-of-way prior to commencement of the project.

66.21. Moving of Buildings

66.21-1. Before a permit to move any building shall be granted by the Zoning Administrator, the applicant shall complete an application to transport a non-divisible load exceeding statutory size or weight. At least forty-eight (48) hours prior to submitting the application to the Zoning Administrator, the applicant shall submit the application to the officers in charge of maintenance for movements on highways and streets in their respective jurisdictions, for sign-off and approval. An application shall not be considered complete until the necessary signatories have signed the document.

66.21-2. No person shall move any building or structure upon public right-of-ways within the boundaries of the Reservation without first obtaining a permit therefor from the Zoning Administrator and upon the payment of the required fee. Every such permit to be issued 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 take place.

66.21-3. In addition to obtaining a permit, the applicant shall also file with the Director of Risk Management a surety bond in accordance with section 66.7, which shall indemnify the Tribe for any costs and expenses that could result from the granting of such permit, and shall file any street repair bond as determined necessary by the Director of Risk Management. The applicant shall also be required to obtain and maintain liability insurance coverage in the amounts established in accordance with section 66.7.

(a) The applicant shall agree to indemnify and hold the Tribe harmless from all liability arising out of moving a building.

(b) Any required insurance shall not be cancelled or reduced without thirty (30) calendar days prior written notice thereof to the Director of Risk Management. Such notice shall suspend the permit and no work shall be done under such permit until a new insurance

certificate complying with this Code has been filed with the Director of Risk Management.

66.21-4. The party receiving the permit shall comply with Ch. 348, Wis. Stats., and all requirements of this Code in moving the building.

66.21-5. The progress in moving any building shall cause the least obstruction of thoroughfares and shall be as continuous as possible during all hours of the day, on consecutive days, and by night if the Zoning Administrator so orders, until complete, with the least possible obstruction of traffic movement. If, in the opinion of the Zoning Administrator, the move constitutes a hazard and obstruction of traffic movement, the Zoning Administrator may order that the move take place between the hours of 6:30 p.m. and 6:00 a.m. 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 driveway, or to be within fifty feet (50') of the property line of the intersection street extended. Any building left in the street overnight shall be barricaded to protect traffic in accordance with the latest Manual of Uniform Traffic Control Devices, issued by the Wisconsin Department of Transportation.

66.21-6. If the authority having jurisdiction over the right-of-way deems it necessary to post "No Parking" and other traffic control signs along the route the building is to be moved along, the authority having jurisdiction over the right-of-way shall order such signs erected and removed after the building is moved and shall bill the full cost to the party receiving the permit to move the building. The Director of Risk Management shall hold the sureties of the bond given by the person receiving the permit until the authority having jurisdiction over the right-of-way receives payment in full for erecting and removing the necessary traffic signs.

66.21-7. *Tree Trimming.*

(a) Permission shall in no case be granted to move a building in, along or upon the public streets if the measurements shown on the application indicates that the street trees along the proposed route will be injured. Trees and shrubs shall not be trimmed or otherwise disturbed without the approval of the Conservation Department and the owner of the property upon which the trees are located.

(b) If it is necessary to trim any owned trees or shrubbery to move the building, such trimming shall be performed by the Conservation Department which shall bill the full cost of such trimming to the party receiving the permit. The Director of Risk Management shall hold the sureties of the bond given by the person receiving the permit until the Conservation Department receives payment in full for trimming the trees.

66.21-8. Within one (1) day after a building reaches its destination, every person receiving a permit to move a building shall report that fact to the Zoning Administrator who shall report the same to the authority having jurisdiction over the right-of-way. The authority having jurisdiction over the right-of-way shall thereupon inspect the streets over which such building was transported. If the transportation of the building has caused any damage to the streets, the authority having jurisdiction over the right-of-way shall, at the expense of the building mover, have them repaired by a pavement repair contractor in as good condition as they were before the permit was granted. If the building mover shall fail to pay promptly all bills for damage, the Director of Risk Management shall hold the sureties of bond given by the house mover responsible for payment of the same.

66.21-9. *Dilapidated Buildings.* No permit shall be granted for the moving of any building from one location to another if the building is so dilapidated and so out of repair as to be unsanitary or unfit for human habitation, occupancy or use, or is so out of repair that it would be unreasonable to repair.

66.21-10. *Detrimental Buildings.*

(a) To protect and conserve the value of neighboring property, no permit shall be granted for the moving of a building to a location within the Reservation which would be detrimental to the character of the intended neighboring property. Such consideration shall be made by the Zoning Administrator on the basis of compatibility of external appearance, size and architectural quality in relation to existing structures.

(b) The application for a moving permit shall be accompanied by three (3) copies of a site plan of the proposed site, with such additional material as would permit the application of the foregoing standards.

66.22. Outside Fire Escapes

66.22-1. No outside fire escape or other structural addition projecting from a building over a public alley or thoroughfare shall be erected without first securing a permit from the Zoning Administrator. The Zoning Administrator shall not issue a permit for the building of such outside fire escape or other structural addition unless the plans provide for a minimum of thirteen feet, six inches (13'6") vertical clearance from the permanently-established grade of the alley or thoroughfare below, provided that, where such grade has not been established, the clearance shall be on the basis of the proposed grade for such alley or thoroughfare as set by the Zoning Administrator.

66.23. Swimming Pools

66.23-1. *Permit Required.* No construction of a swimming pool shall begin unless a permit therefor has been obtained and the fee paid in accordance with the fee provisions of this Code. The application for such permit shall be accompanied by a site plan showing the size, location and description of the property.

66.23-2. *Requirements.*

(a) Setbacks. Permanent above or in ground pools shall maintain a minimum rear and side yard setback of ten feet (10') from adjoining property. In determining this setback for above ground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool.

(b) Fencing. All pools shall be encompassed by fencing as provided under this subsection. Under no circumstances may the minimum height requirements of this subsection be varied.

(1) Structural Requirements. All fences under this subsection shall be constructed in such a manner as to comply with the Zoning and Shoreland Protection law, or variance therefrom, and the requirements of this subsection.

(A) The fence must be able to withstand two hundred (200) pounds of force in any direction.

(B) The fence shall be so constructed and designed so as to prevent penetration of an object greater than six inches (6") in diameter.

(C) All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.

(2) Permanent In-Ground Pools. Permanent in-ground pools, subject to this Code, shall be encompassed by a free-standing fence not less than forty-eight inches (48") nor more than ninety-six inches (96") from the ground level. Such fence shall be no less than three feet (3') from the pool at its' nearest point.

(3) Permanent Above-Ground Pools. Above-ground pools shall be encompassed by fencing which complies with one (1) or any combination of options listed below:

(A) A fence in compliance with subsection (2) of this section.

(B) A fence within three feet (3') of the pool, provided such fence is at least thirty-six inches (36") above the top edge of the pool and not less than forty-eight inches (48") nor more than ninety-six inches (96") from ground level.

(C) A fence attached to a deck or walkway, provided such fence is at least thirty-six inches (36") above the surface of the deck or walkway and complies with subsection (B).

(4) Temporary pools which are less than two hundred (200) square feet in area and less than thirty-six inches (36") in water depth, and/or fifteen feet (15') in diameter which are dismantled and removed for the winter are exempt from this Code.

66.23-3. *Fencing Required.* No pool shall be constructed on property which cannot be made to conform to the fencing requirements of this Code.

66.24. Appeals.

66.24-1. In the event of a denial or revocation of a permit issued under this Code, or to resolve a dispute over a compliance order, an appeal may be filed in accordance with the following procedures:

(a) An appeal shall be filed with the Zoning Administrator. The appeal shall be in written form and provided to the Zoning Administrator within ten (10) business days of receipt of notification of the action being appealed.

(b) The Zoning Administrator shall make a determination within five (5) business days of receipt of the appeal. The determination shall be sent by registered mail (return receipt requested) or delivered in person to the applicant.

(c) The Zoning Administrator's determination may be appealed to the Land Commission. The Land Commission shall hear such appeal in accordance with the Administrative Procedures Act or other designated procedure as approved by the Oneida Business Committee. Should the aggrieved party seek to carry the appeal further, he/she may appeal to the appellate court of the Tribe's judicial body within ten (10) business days of receipt of the Land Commission's determination.

End.

Adopted BC-03-23-11-E