

..Number
121804
..Version
PROPOSED SUBSTITUTE A
..Reference

..Sponsor
ALD. BOHL

..Title
A substitute ordinance relating to exceptions to department of neighborhood services permit requirements.

..Sections

200-24-1	am
200-24-1.5	rc
200-33-0	am
200-33-43-b	am
222-13-1	am
222-13-4	rp
225-3-1	am
225-31-3	cr

..Analysis

This ordinance specifies the types of structures and repair or replacement work for which department of neighborhood services-issued permits are not required.

Items which do not require permits include:

1. Decorative landscaping edging.
2. Minor installation of wiring or equipment.
3. Small detached accessory structures used as tool or storage sheds or similar uses.
4. Tents or air-supported structures that cover areas of 400 square feet or less.
5. Retaining walls supporting less than 32 inches of unbalanced fill.
6. Ordinary repairs of windows with certain exceptions.
7. Replacement of plumbing fixtures in one- or 2-family dwellings without alteration of water supply and distribution systems, sanitary drainage systems or vent systems.
8. Replacement of general-use snap switches, dimmer and control switches, etc., in one- or 2-family dwellings.
9. Replacement of existing appliances, provided such equipment is not fueled by gas or oil, in one- or 2-family dwellings.
10. Repair work deemed by the commissioner of neighborhood services to be minor and ordinary and which does not adversely affect public health or safety.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-24-1 of the code is amended to read:

200-24. Permit Required.

1. REQUIRED. No person may erect, construct, enlarge, alter, repair, move, improve, convert to new uses, raze or demolish any building or structure, nor install therein any equipment, occupy and use any building, structure, equipment or premises or cause the same to be done or commence any excavation on any premises without first obtaining a permit from the commissioner and paying the fee as prescribed by this code. Permits may be issued at the discretion of the commissioner to persons in arrears of payment of any fees specified in ss. 200-32 and 200-33 or persons who have failed to comply with any outstanding order of the department if the permit is required to comply with an outstanding order or citation. No permit applied for under this subchapter may be issued unless the applicant has first complied with s. 66-12-5, with respect to submitting an asbestos project statement. >>Exemptions from permit requirements under this section and the rules of the department shall not be deemed to authorize any work to be done in any manner in violation of any provisions of this code or any other law or rule.<<

Part 2. Section 200-24-1.5 of the code is repealed and recreated to read:

1.5. EXCEPTIONS. No permit shall be required for:

- a. Decorative landscaping edging, as regulated in s. 116-54-3.
- b. Installation of wiring or equipment that operates at less than 100 volts, or is for networked powered broadband communications systems, except when any such installation is located in a plenum, penetrates fire-rated or smoke-protected construction or is a component of any the following:
 - b-1. Fire alarm system.
 - b-2. Fire detection system.
 - b-3. Fire suppression system.
 - b-4. Smoke control system.
 - b-5. Elevator fire safety control system.
 - b-6. Access or egress control system or delayed egress locking or latching system.
 - b-7. Fire damper.
 - b-8. Door control system.
- c. Detached accessory structures used as tool or storage sheds or similar uses, provided the floor areas do not exceed 150 square feet and the structures are not accessory to Group F or H occupancies and are at least 3 feet from the property lines.
- d. Tents or air-supported structures, or both, that cover areas of 400 square feet or less, provided such structures have occupant loads of less than 50.
- e. Retaining walls supporting less than 32 inches of unbalanced fill. This exception shall not apply to any wall impounding Class I, II or III-A liquids, or supporting a surcharge other than ordinary unbalanced fill.
- f. Ordinary repairs, including the following:
 - f-1. Window replacement in a one- or 2-family dwelling, unless one or more of the following is true:
 - f-1-a. The size of the window opening is being changed.
 - f-1-b. The window is required to be fire-rated.
 - f-1-c. The dwelling is a city-designated historic structure or located in a city-designated historic district.
 - f-2. Replacement of plumbing fixtures in one- or 2-family dwellings without alteration of water supply and distribution systems, sanitary drainage systems or vent systems.

- f-3. Replacement of general-use snap switches, dimmer and control switches, and luminaries (lighting fixtures) in one- or 2-family dwellings.
- f-4. Replacement of mechanical appliances, provided the equipment is not fueled by gas or oil, in one- or 2-family dwellings.
- f-5. Replacement of unlimited quantities of roof covering or siding for one- and 2-family dwellings, and replacement of 100 square feet or less of roof covering in all other use groups.
- f-6. Replacement of roof decking on one-and 2-family dwellings without modification to framing members.
- f-7. Installation or replacement of floor finishes in all occupancies.
- f-8. Painting, papering, tiling, carpeting, cabinet or countertop installation, and similar finish work.
- f-9. Replacement of Class C interior wall or ceiling finishes in institutional, educational and assembly uses, and replacement of all classes of interior wall and ceiling finishes in all other occupancies.
- f-10. Other repair work deemed by the commissioner to be minor and ordinary and which does not adversely affect public health or safety.

Part 3. Section 200-33-0 of the code is amended to read:

200-33. Fees. Upon issuance of a permit, >>as required by s. 200-24,<< by the commissioner of ~~[[city development]]~~ >>neighborhood services<< , and before the license or permit shall be in effect, the applicant shall pay the city a fee or fees as listed in this section. Other fees may be charged and collected by the department of neighborhood services or the department of city development as ~~[[listed]]~~ >>provided<< in this section.

Part 4. Section 200-33-43-b of the code is amended to read:

43. PLUMBING

b. For inspection, reinspection, test or retest of >>gas piping and<< building drains, new or extensions of existing, \$60 per 100 feet or fraction thereof.

Part 5. Section 222-13-1 of the code is amended to read:

222-13. Permits 1. PERMIT REQUIRED. Except as regulated in s. 222-1-2 and subs. 4 and 5, >>or exempted in s. 200-24-1.5,<< no electrical equipment shall be installed, altered, renewed, replaced or connected without first procuring a permit.

Part 6. Section 222-13-4 of the code is repealed.

Part 7. Section 225-3-1 of the code is amended to read:

225-3. Plumbing Permits Required.

1. ISSUANCE. No permit for plumbing shall be issued by the commissioner to any person not duly licensed, registered and bonded. Permits issued shall be subject to the rules and regulations of the commissioner ~~[[of neighborhood services]]~~, and it shall be unlawful to do any plumbing without a permit with the exception of work regulated in sub. 3 >>and work exempted under s. 200-24-1.5<<.

Part 8. Section 225-31-3 of the code is created to read:

225-31-3. Gas Piping Systems; Scope.

3. PERMIT REQUIRED. Except as exempted under s. 200-24-1.5, no gas piping shall be installed, altered, renewed, replaced or connected without first obtaining a permit.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB146210-4

Teodros W. Medhin:lp

12/2/2013