



Legislation Details (With Text)

File #: 111233 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 12/20/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 1/18/2012

Effective date:

Title: A substitute ordinance relating to revisions of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

Sponsors: THE CHAIR

Indexes: REVISORS BILL

Attachments: 1. Hearing Notice List, 2. Notice Published on 2-3-12

Date	Ver.	Action By	Action	Result	Tally
12/20/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/5/2012	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/9/2012	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
1/18/2012	1	COMMON COUNCIL	PASSED	Pass	15:0
1/24/2012	1	MAYOR	SIGNED		
2/3/2012	1	CITY CLERK	PUBLISHED		

111233
SUBSTITUTE 1
THE CHAIR

A substitute ordinance relating to revisions of various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

- 75-20-1 am
- 75-20-6-0 am
- 75-20-12-0 am
- 75-20-12-g am
- 87-14-2 am
- 97-12-6-a am
- 97-12-6-b-2 am
- 105-75-14-c-4 am
- 109-5-4-g rp
- 109-5-4-j rp
- 109-5-4-k rp
- 109-51-0 am
- 200-01-2-j am
- 200-02 am
- 200-03-3 am
- 200-06 am
- 200-08-5 am

200-09-1 am
200-10-1 am
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200-13-2 am
200-17-3-a am
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200-17.5-1 am
200-17.5-3 am
200-17.5-5 am
200-27-1 am
200-33-3-a-0 am
200-33-3-e am
200-33-39 am
200-33-43-L am
200-42-3-a-0 am
200-46 am
207-01 am
214-2 am
214-7-1-d am
214-7-2-c am
222-11-4 am
222-11-9-e-1 am
222-50 am
222-52-1-0 am
223-1 am
223-5-1 am
223-5-16 am
223-7-4-a am
223-9-8-f am
225-01 am
225-02 am
225-4-2-e am
225-4-3-f am
225-4-4-a am
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225-14-2 am
225-14-4 am
225-15-1 am
225-15-2-b am
225-16-1-a am
225-18-3 am
225-23-3-b am
225-23-4-a-2 am
228-1-3 am
236-01 am
236-11-4-d-1 am
236-21-0 am
240-01 am
240-22-2-a am

240-23-1	am
240-23-2	am
240-23-3	am
246-3-1	am
246-3-2	am
246-15-5	am
246-19	am
251-1	am
252-71-1	am
252-71-2-h	am
252-74-5-e	am
257-17-6	am
261-98-9	am
265-01	am
275-61-3-f	am
295-415-9-b-2	am
295-415-9-c-4	am
295-503-2-x-3	rc
295-603-2-aa-3	rc
295-703-2-u-3	rc
295-803-2-hh-3	rc
295-903-2-b-10-d	rc
295-905-2-b-10-d	rc
295-1011-9-f-4	am
295-1011-10-h	am
295-1015-3-b-8-d	rc
320-16-2	am
320-29	rn
350-50	rp
365-4	am

This ordinance revises provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

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

Part 1. Section 75-20-1 of the code is amended to read:

75-20. Swimming Pools and Places.

1. ADOPTION OF STATE CODE. Except as otherwise provided in this section, the city of Milwaukee adopts ~~[[ch. Comm 90]]~~, >>ch. SPS 390<< and ch. DHS 172, Wis. Adm. Code, as amended, as part of this code.

Part 2. Section 75-20-6-0 of the code is amended to read:

6. PERMIT REQUIRED. In addition to the requirements of ~~[[ch. Comm 90]]~~ >>ch. SPS 390<<, Wis. Adm. Code, no person shall construct, install, enlarge, establish, maintain or make any alteration to any public swimming place or any outdoor private swimming place without a pool construction permit issued by the commissioner.

Part 3. Section 75-20-12-0 and g of the code is amended to read:

12. PUBLIC POOL REQUIREMENTS. In addition to the provisions of ~~[[ch. Comm 90]]~~ >>ch. SPS 390<<, Wis. Adm. Code, and ch. DHS 172, Wis. Adm. Code, public swimming places shall comply with the requirements listed in this subsection.

g. Drinking Fountains. In addition to the drinking fountain requirements of ~~[[ch. Comm 90]]~~ >>ch. SPS 390<<, Wis. Adm. Code, public swimming places with water surface areas greater than 2,000 square feet shall provide a low-mounted drinking fountain for use by children.

Part 4. Section 87-14-2 of the code is amended to read:

87-14. Carnival Site Permits.

2. PERMIT, REGISTRATION REQUIRED. a. No person may set up, maintain or operate a carnival in the city without first registering with the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< as required by ~~[[ch. Comm 34]]~~ >>ch. SPS 334<<, Wis. Adm. Code.
b. No person owning or controlling real property in the city may allow the property to be used as a carnival site unless the carnival operator has been properly registered with the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<<, and unless the property owner or carnival operator has applied for and received a carnival site permit from the city.

Part 5. Section 97-12-6-a and b-2 of the code is amended to read:

97-12. Cross-Connection Control Regulations.

6. CROSS-CONNECTION CONTROL PROGRAM. a. The cross connection control program shall be the responsibility of the water works. The methods and devices that shall be used to protect the water supply are those cited in ~~[[ch. Comm 82]]~~ >>ch. SPS 382 <<, Wis. Adm. Code. The water works or its representative shall have the power and authority to inspect all properties serviced by the public supply system where cross-connections with the public water supply system are deemed possible.
b-2. Premises with cross-connection control devices shall be tested annually by a certified tester with documentation submitted to the water works or its representative per ~~[[s. Comm 82.21]]~~ >>ch. SPS 382.21<<, Wis. Adm. Code.

Part 6. Section 105-75-14-c-4 of the code is amended to read:

105-75. Private Alarm Systems and Regulations.

14. ALARM SALES AND ALARM BUSINESS REQUIREMENTS.

c-4. Provide a private first responder service, unless the alarm system transmits the alarm signal as provided in sub. 11-d, that shall verify, in the case of an activated burglary alarm, that a cause for alarm exists at the alarm site before the alarm signal is transmitted to the police department; any person employed by a first responder service who engages in on-site verification shall hold a valid state private security person permit issued by the Wisconsin department of ~~[[regulation and licensing]]~~ >>safety and professional services<<.

Part 7. Section 109-5-4-g, j and k of the code is repealed.

Part 8. Section 109-51-0 of the code is amended to read:

109-51. Complaint Procedure. The commission shall use the following procedures in acting on complaints of discrimination ~~[[, including violations of the provisions of ch. 112]].~~

Part 9. Section 200-01-2-j of the code is amended to read:

200-01. Department of Neighborhood Services

2. FUNCTIONS, POWERS AND DUTIES.

j. To perform investigations and inspections relating to various licenses issued by the city, including but not limited to alcohol beverage licenses, ~~[[dance hall licenses and theater licenses]]~~ >>and public entertainment premises licenses<<.

Part 10. Section 200-02 of the code is amended to read:

200-02. Adoption of State Code. The city of Milwaukee adopts ~~[[ch. Comm 61]]~~ >>ch. SPS 361<<, Wis. Adm. Code, as amended, as part of this code

Part 11. Section 200-03-3 of the code is amended to read:

200-03. Scope.

3. In any instance of conflicts between regulations of this code, the more stringent regulations shall govern except as regulated in ~~[[s. Comm 61.03(2)]]~~ >>s. SPS 361.03(2)<<, Wis. Adm. Code, as amended.

Part 12. Section 200-06 of the code is amended to read:

200-06. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[ss. Comm 61.04, 61.05(1) and 62.0202]]~~ >>ss. SPS 361.04, 361.05(1) and 362.0202<<, Wis. Adm. Code, as amended, as part of this code

Part 13. Section 200-08-5 of the code is amended to read:

200-08. Definitions.

5. APPROVED means approved by the commissioner or the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< under the regulations of this code.

Part 14. Section 200-09-1 of the code is amended to read:

200-09. Authority. 1. JURISDICTION. Except as otherwise regulated by this code, in addition to the duties and authority prescribed in ch. 8, city charter, the commissioner has the authority to enforce all the provisions of this code and the decisions of the board, the commission, the administrative rules of the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< and all other laws or lawful orders relating to the construction, maintenance, use, and occupancy of buildings, structures, equipment or premises when not in conflict with ch. 295, and to perform all of the various duties as prescribed in all other ordinances and state statutes in a manner to provide that the spirit and intent of the law shall be observed and public welfare and safety be assured. The commissioner shall be the final authority on interpretation of the code except where such authority is preempted by state or federal law.

Part 15. Section 200-10-1 of the code is amended to read:

200-10. Enforcement of Former Code of Laws.

1. BUILDINGS BUILT PRIOR TO OCTOBER 9, 1914. All buildings and structures, additions and alterations erected prior to October 9, 1914, shall comply with the provisions of ~~[[chs. Comm 75 to 79]]~~ >>chs. SPS 375 to 379<<, Wis. Adm. Code, for existing buildings. Buildings and structures built and subsequently changed to a more restrictive use prior to October 9, 1914, shall comply with the more restrictive provisions of ~~[[chs. Comm 75 to 79]]~~ >>chs. SPS 375 to 379<<, Wis. Adm. Code, on existing buildings.

Part 16. 200-11-3 of the code is amended to read:

200-11. Enforcement.

3. STOPPING OF CONSTRUCTION WORK; UNSAFE CONSTRUCTION. Whenever the construction of any building, structure, equipment, or additions thereto, or alterations, or repairs thereto, or removal, or demolition thereof is being done contrary to the regulations of this code or contrary to s. 320-20-11 or the conditions of a certificate of appropriateness issued pursuant thereto, or is being done in an unsafe or dangerous manner, or not in accordance with the approved plans, specifications, and data, or with the terms of the permit granted therefor, the commissioner may, by means of a placard posted on the premises, order such work to be stopped at once and thereafter confirm such order by a written order served on the owner of the premises and on the person engaged in doing or causing such work to be done, and any such persons shall immediately stop all such work until satisfactory evidence is presented to the commissioner that all of the provisions of the permit, this code, s. 320-21-11 and the conditions of a certificate of appropriateness issued pursuant

thereto, Wisconsin Administrative Code, all other lawful orders of the Wisconsin department of ~~commerce~~ safety and professional services and other laws and ordinances applicable thereto will be complied with, at which time work can again be resumed providing authority is procured from the commissioner to recommence with the work.

Part 17. Section 200-13-2 of the code is amended to read:

200-13. Inspections.

2. EXISTING BUILDINGS AND STRUCTURES. The commissioner may make inspections, from time to time, or as otherwise required by this code, of all existing buildings, structures or equipment to ascertain if the buildings, structures or equipment are being used, maintained and occupied in accordance with the regulations of applicable codes, all other ordinances, the Wisconsin Administrative Code, and all other laws, or lawful orders of the Wisconsin department of ~~commerce~~ safety and professional services relating to the maintenance, erection, construction, installation, enlargement, alteration, repair removal, conversion to new uses, raising, demolition, fire and health protection, use of equipment, materials, occupancy and use, and sanitation of buildings, structures, equipment or premises. The commissioner shall also make inspections to ascertain the effect of fires to determine the study of all such buildings, structures or equipment.

Part 18. Section 200-17-3-a and c of the code is amended to read:

200-17. Standards and Appeals Commission.

3. POWERS AND DUTIES. a. The commission shall hear all appeals from the decision of the commissioner of neighborhood services or commissioner of city development relative to the application and interpretations of any regulation of this code, except appeals of orders issued under ss. 200-12.5, 218-4.5, ch. 295, the state of Wisconsin department of ~~commerce~~ safety and professional services and appeals under s. 200-04-3.

c. The commission shall have jurisdiction only in matters regulated in this code, and not specifically under the jurisdiction of any other appellate boards created pursuant to this code or the state of Wisconsin department of ~~commerce~~ safety and professional services.

Part 19. Section 200-17.5-1, 3 and 5 of the code is amended to read:

200-17.5. State Building Code Variances.

1. Pursuant to authority delegated to the city as agent of the state under s. 101.12, Wis. Stats., as amended, the commissioner of city development may evaluate, decide upon and administer petitions for variances to the rules of ~~chs. Comm 64 to 65~~ chs. SPS 361 to 365, Wis. Adm. Code, as amended, and ~~chs. Comm 75 to 79~~ chs. 375 to 379, Wis. Adm. Code, as amended, as they relate to buildings and structures in the city.

3. The commissioner shall exercise powers with respect to state building code variances pursuant to the process and procedures specified in ~~ch. Comm. 3~~ ch. SPS 303, Wis. Adm. Code, as amended.

5. The fee schedule for processing petitions for variances shall be that specified by ~~s. Comm 2-52~~ s. SPS 302.52, Wis. Adm. Code, as amended. Refunds of 50% of fees shall be made when the required time frame under sub. 4 is exceeded.

Part 20. Section 200-27-1 of the code is amended to read:

200-27. Design and Supervision. **1.** Every new building containing more than 50,000 cubic feet total volume, or an addition to a building which by reason of such addition results in a building containing over 50,000 cubic feet total volume, or structural alteration to a building containing over 50,000 cubic feet total volume, shall be designed by an architect or engineer in accordance with this code and shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the plans and specifications of the designer. A written statement to this effect shall be filed by the architect or engineer with the commissioner of city development with the application for permit. No change from the original plans and specifications shall be made except with the knowledge and consent of the designer, and as approved pursuant to ~~s. Comm 61.31(4)~~ s. SPS 361.31(4), Wis. Adm. Code.

Part 21. Section 200-33-13-a-0 and e of the code is amended to read:

200-33. Fees

13. ELEVATORS.

a. Inspection Fees. Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ~~[[ch. Comm 48]]~~ >>ch. SPS 318<<, Wis. Adm. Code, shall be as follows:

e. Repair Permit Fees. The fees for installation or alteration permits required by ~~[[s. Comm 2.15]]~~ >>s. SPS 302-15<<, Wis. Adm. Code, shall be charged at the rate of 1.5% of the total cost of repair, with a minimum fee of \$60.

Part 22. Section 200-33-39 of the code is amended to read:

39. PLAN EXAMINATION, PETITION FOR STATE MODIFICATION. The fee for processing a petition for an appeal and variance to the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< shall be \$165.

Part 23. Section 200-33-43-L of the code is amended to read:

43. PLUMBING.

L. Review of applications for modification under ~~[[ch. Comm 82]]~~ >>ch. SPS 382<<, Wis. Adm. Code: \$75.

Part 24. Section 200-42-3-a-0 of the code is amended to read:

200-42. Certificate of Occupancy.

3. WHEN ISSUED. a. In the case of a proposed use, as described in ~~[[ch. Comm 62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, that is not within the same group of uses as the prior use, and where the proposed use is as hazardous or more hazardous, based on life and fire risk, than the prior use, or whenever the proposed use is an elementary or secondary school, or a daycare or a rooming house, or a tavern or a sit-down restaurant, as described under s. 295-201-501, or where otherwise requested, the commissioner of city development shall issue a certificate of occupancy:

Part 25. Section 200-46 of the code is amended to read:

200-46. Changes in Occupancy or Use. **1.** No change in any occupancy or use as described in ~~[[ch. Comm 62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, of an existing building, structure, premises or part thereof shall be permitted that is not consistent with a lawful occupancy or use permitted under a prior certificate of occupancy, or which is not based upon the requirements applicable to types of construction and zoning as regulated by this code.

2. No change from one group of occupancies to another group of occupancies as described in ~~[[ch. Comm 62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended, shall be permitted unless after inspection it is found that such building, structure, premises or part thereof conforms to the regulations of this code relating to the proposed new occupancy and use and required types of construction.

Part 26. Section 207-01 of the code is amended to read:

207-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[ch. Comm 7]]~~ >>ch. SPS 307<<, Wis. Adm. Code, as amended, as part of this code

Part 27. Section 214-2 of the code is amended to read:

214-2. Adoption of State Code. The city of Milwaukee adopts ~~[[ch. Comm 14]]~~ >>ch. SPS 314<<, Wis. Adm. Code, as amended, as part of this code.

Part 28. Section 214-7-1-d and 2-c of the code is amended to read:

214-7. Fire Prevention. 1. RESPONSIBILITIES OF THE FIRE CHIEF

d. Other Duties. The chief shall be responsible for carrying out the requirements of ~~[[s. Comm 14.01 (11)(b)4]]~~ >>s. SPS 314.01(11)(b)(4)<<, Wis. Adm. Code, as amended, and s. 214-31.

2. RESPONSIBILITIES OF THE COMMISSIONER.

c. Other Duties. Other than the responsibilities of the fire chief listed in sub. 1, the duties of the fire chief as set forth in ~~[[ch. Comm 14]]~~ >>ch. SPS 314<<, Wis. Adm. Code, may be carried out by the commissioner.

Part 29. Section 222-11-4 of the code is amended to read:

222-11. Electrical Licenses

4. QUALIFICATIONS FOR LICENSES.

a. Type C License. An applicant for a Type C electrical contractor's license or renewal thereof shall comply with ~~[[ch. Comm 5]]~~ >>ch. SPS 305<<, subch. IV, Wis. Adm. Code, as amended, or shall submit an affidavit to the effect that a person holding state master electrician certification will be a bona fide full-time employe of the applicant, and that such master electrician certificate holder will have complete and unquestionable authority and supervision over all work regulated by this chapter.

b. Type M License. An applicant for a Type M electrical maintenance license or renewal thereof shall comply with ~~[[ch. Comm 5]]~~ >>ch. SPS 305<<, subch. IV, Wis. Adm. Code, as amended, or shall submit an affidavit to the effect that a person who has completed a certificate program or associate degree program at an accredited college or technical school in a field directly related to electrical installations or wiring, or a state of Wisconsin apprenticeship program in the same field, will be a bona fide full-time employe of the applicant, and that such person will have complete and unquestionable authority and supervision over the electrical maintenance and repair work in the building or structure (plant) of the employer.

c. Type E License. An applicant for a Type E elevator electrical contractor license or renewal thereof shall comply with ~~[[ch. Comm 5]]~~ >>ch. SPS 305<<, subch. IV, Wis. Adm. Code, as amended.

Part 30. Section 222-11-9-e-1 of the code is amended to read:

9. PROCEDURES FOR NONRENEWAL, SUSPENSION OR REVOCATION.

e. Grounds for Nonrenewal

e-1. The licensee has violated any provision of this chapter or of ~~[[ch. Comm 16]]~~ >>ch SPS 316<< ~~[[ch. Comm 18]]~~ >>ch. SPS 318<<, Wis. Adm. Code.

Part 31. Section 222-50 of the code is amended to read:

222-50. Scope. 1. Regulations contained in this subchapter with respect to elevators, power dumbwaiters, material handling elevators, moving walks and ramps, personnel hoists, and escalators are deemed supplemental to ~~[[ch. Comm 18]]~~ >>ch. DPS 318<<, Wis. Adm. Code. Plans required in subch III, ~~[[ch. Comm 18]]~~ >>ch. SPS 318<<, Wis. Adm. Code, shall be submitted to the commissioner of city development instead of the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< together with 3 copies of the permit application.

Part 32. Section 222-52-1-0 of the code is amended to read:

222-52. Construction Permits. 1. PERMIT REQUIRED. Except as regulated in subs. 1 to 3 no person shall install, alter, repair or replace any elevator or other device regulated in ~~[[s. Comm 48.1002]]~~ >>s. SPS 318.1002<<, Wis. Adm. Code, without first obtaining a permit therefor and paying the fees as prescribed in s. 200-33.

Part 33. Section 223-1 of the code is amended to read:

223-1. Adoption of State Code. The city of Milwaukee adopts ~~[[ch. Comm 41]]~~ >>SPS 341<<, Wis. Adm. Code, except ~~[[s. Comm 41.08]]~~ >>s. SPS 341.08<<, as amended, as part of this code.

Part 34. Section 223-5-1 and 16 of the code is amended to read:

223-5. Definitions. In this chapter:

1. AUTHORIZED INSPECTION AGENCY means either of the following:

a. An inspection agency as outlined in ANSI/NB-369 and whose inspectors hold a valid certificate as issued by the state of Wisconsin in accordance with ~~[[s. Comm 5.60]]~~ >>s. SPS 305.60<<, Wis. Adm. Code, as amended.

b. An individual who holds a valid certificate as issued by the state of Wisconsin in accordance with ~~[[s. Comm 5.60]]~~ >>s. SPS 305.60<<, Wis. Adm. Code, as amended, and who provides the department annually with proof of general liability and property damage insurance in the sum of \$1,000,000 with the city of Milwaukee as an additional insured, and continuing education and training as outlined in the ANSI/NB-369 series code.

16. WISCONSIN PERMIT TO OPERATE means the permit issued by the Wisconsin ~~[[department of commerce]]~~ >>safety and professional services<<, as described in ~~[[CH. Comm. 41]]~~ >>ch. SPS 341<<, Wis. Adm. Code, as amended.

Part 35. Section 223-7-4-a of the code is amended to read:

223-7. General Inspection Rules

4. PERIODIC INSPECTIONS AND INSPECTION FEES. a. Inspection. The commissioner may inspect boilers, unfired pressure vessels and fired pressure vessels in a manner that is consistent with the provisions of ~~[[ch. Comm. 41]]~~ >>ch. SPS 341<<, Wis. Adm. Code, as amended.

Part 36. Section 223-9-8-f of the code is amended to read:

223-9. Stationary Engineer=s Permit to Operate.

8. GENERAL OPERATION REGULATIONS.

f. Unlawful to Exceed Boiler Pressures. It shall be unlawful to carry a higher pressure in any boiler other than as set by the commissioner in accordance with ~~[[ch. Comm 41]]~~ >>ch. SPS 341<<, Wis. Adm. Code, as amended, and the condition of the boiler as found upon inspection.

Part 37. Section 225-01 of the code is amended to read:

225-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts ss. 145.01, 145.06, 145.11, 145.15(4) and 145.175, Wis. Stats., as amended, and ~~[[chs. Comm 81 to 87]]~~ >>chs. SPS 81 to 87<<, Wis. Adm. Code, as amended, as part of this code.

Part 38. Section 225-02 of the code is amended to read:

225-02. Retroactivity of Various Wisconsin Administrative Code Plumbing Provisions. ~~[[Sections Comm 82.21, 82.30, 82.31 and 82.41]]~~ >> Sections SPS 382.21, 382.30, 382.31 and 382.41<<, Wis. Adm. Code, as amended, shall apply retroactively if upon inspection of any part of an existing plumbing system a condition is identified that tends to create a potential health hazard. If such a condition is identified by the department, then the plumbing system or any part thereof shall be repaired, renovated, replaced, or removed in conformity and compliance with ~~[[ss. Comm 82.21, 82.30, 82.31 and 82.41]]~~ >>ss. SPS 382.21, 382.30, 382.31 and 382.41<<, Wis. Adm. Code, as amended.

Part 39. Section 225-4-2-e,3-f and 4-a and d of the code is amended to read:

225-4. Drainage of Yard Areas and Roofs.

2. ROOF RAINWATER LEADERS (CONDUCTORS).

e. Installation and Maintenance. All outside roof leaders (conductors) installed under or in the ground shall be installed as regulated in ~~[[s. Comm 82.36]]~~ >>s. SPS 382.36<<, Wis. Adm. Code. Conductors shall terminate with an approved pipe above grade. The sheet metal conductors shall be connected and sealed to the pipe in an approved manner. Roof leaders (conductors) connecting to the storm building drain in the basement shall be of an approved pipe material to a point at least 2 feet inside the basement foundation wall. Roof leaders (conductors) shall be maintained in good repair and free of stoppages.

3. NEWLY PAVED AREAS OR PARKING LOTS.

f. Sizing. All sewer lines and drains shall be sized in accordance with the provisions in this code and ~~[[s. Comm 82.36]]~~ >>s. SPS 382.36<<, Wis. Adm. Code.

4. CATCH BASINS. a. Catch basins shall be constructed in a water-tight and substantial manner of

concrete masonry, brick masonry, concrete block masonry, precast reinforced concrete, cast iron, bitumastic enamel coated 12 gauge steel, vitrified clay or other materials approved by the state department ~~[[of commerce]]~~ >> safety and professional services<<.

d. Catch basins, retention basins or ponds, underground vaults and filters designed for the management and regulations of storm water pursuant to ch. 120 shall meet the requirements of that chapter and of ~~[[ss. Comm 82.20, 82.34 and 82.36]]~~ >> ss. SPS 382.20, 382.34 and 382.36<<, Wis. Adm. Code.

Part 40. Section 225-14-2 and 4 of the code is amended to read:

225-14. Definitions.

2. APPROVED means accepted or acceptable under an applicable specification stated or cited in this subchapter, or accepted as suitable for the proposed use by the state department ~~[[of commerce]]~~ >> safety and professional services<<.

4. HOLDING TANK means a tank conforming to the requirements of ~~[[Subch. IV, Comm. 83]]~~ >> subch. IV, SPS 383<<, Wis. Adm. Code, which is intended for retaining sanitary sewage and intended to be emptied by licensed scavengers and disposed of in a public sewage disposal system.

Part 41. Section 225-15-1 and 2-b of the code is amended to read:

225-15. Permit Required for Individual Sewage Disposal System. 1. COMMISSIONER OF HEALTH. No person shall construct, install, build or alter any individual sewage disposal system without having first obtained from the commissioner of health a valid permit authorizing the person to perform the work for the specific system for which the permit was issued. Application for permits shall be made in the office of the commissioner of health on forms furnished by the commissioner and prepared in duplicate by the person applying for the permit. Such applications shall be accompanied by an appropriate form as required by ~~[[ch. Comm 83]]~~ >> ch. SPS 383<<, Wis. Adm. Code, giving the results of the soil percolation tests performed by a certified soil tester.

2. EXAMINATION.

b. The commissioner of health may provide on-site examination of the soil percolation test performed by a certified soil tester to determine whether the test was performed in accordance with ~~[[s. Comm 85.60]]~~ >> s. SPS 385.60<<, Wis. Adm. Code, to insure that the installation of an individual sewage disposal system is not likely to produce a public health nuisance.

Part 42. Section 225-16-1-a of the code is amended to read:

225-16. Examination. 1. EXAMINATION FEES.

a. Each applicant for any permit required in accordance with s. 225-15 shall pay to the city treasurer the examination fee specified in s. 200-33 prior to filing the application for permit in the office of the commissioner of health. The examination fee shall be for a permit to construct or alter an individual sewage disposal system or to provide a holding tank in conformation with the appropriate provisions of ~~[[ch. Comm 83]]~~ >> ch. SPS 383<<, Wis. Adm. Code.

Part 43. Section 225-18-3 of the code is amended to read:

225-18. Maintenance of Individual Sewage Disposal System.

3. The order may contain an outline of remedial action which, if taken, will result in compliance with this subchapter and with rules and regulations adopted pursuant to this subchapter, and ~~[[ch. Comm 83]]~~ >> ch. SPS 383<<, Wis. Adm. Code. If the owner of any premises served by an individual sewage disposal system fails to comply with the requirements of the order and continues to operate the system in such a manner as to cause the development of any public health nuisance or the pollution of any public watercourse, the commissioner of health shall operate the system and make whatever changes he deems necessary in the system, including reconstruction, repair or alteration to attain its proper operation; or the commissioner of neighborhood services shall cause connection to be made to the sanitary or combined sewer, and the cost of reconstruction, repair or alteration and the cost of operation of the system shall be made at the expense of the city; the cost of the connection to the sanitary or combined sewer and the sums so expended in the abatement or removal of any nuisance or nuisances in such cases shall be a lien in the same manner as any tax upon real estate upon the premises served by the individual sewage disposal system; the sums to be collected in the manner specified in s. 17-12, city charter.

Part 44. Section 225-23-3-b and 4-a-2 of the code is amended to read:

225-23. Private Sewage Systems.

3. SANITARY PERMIT.

b. Application Forms. The issuing agent shall use the sanitary permit forms provided by the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<<.

4. FEES.

a-2. The issuing agent shall forward a copy of each valid sanitary permit and \$14 of the fee to the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<< within 90 days after the permit is issued.

Part 45. Section 228-1-3 of the code is amended to read:

228-1. Scope.

3. Nothing in this chapter shall be construed to nullify any existing laws, rules, orders, ordinances, regulations or statutes governing the protection of the public from health, fire or other hazards. The regulations of this chapter shall be construed as supplemental to the requirements of federal laws, Wisconsin statutes, or orders issued by the Wisconsin department of ~~[[commerce]]~~ >>safety and professional services<<, commissioners of health and public works, and the chiefs of the police and fire departments of the city.

Part 46. Section 236-01 of the code is amended to read:

236-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[chs. Comm 40, 40 and 43]]~~ >>chs. SPS 310, 340 and 343<<, Wis. Adm. Code, as amended, as part of this code.

Part 47. Section 236-11-4-d-1 of the code is amended to read:

236-11. Spray Coating.

4. SPRAY COATING OPERATIONS INSIDE OF BUILDING

d. Equipment. d-1. Electrical Equipment. All electrical equipment in connection with spray coating operations shall be installed, operated and maintained in accordance with all the requirements of ~~[[ch. Comm 16]]~~ >>ch. 316<<, Wis. Adm. Code, complying to such locations.

Part 48. Section 236-21-0 of the code is amended to read:

236-21. Flammable and Combustible Liquids. In addition to the regulations set forth in ~~[[ch. Comm 40]]~~ >>ch. SPS 310<<, Wis. Adm. Code, above ground flammable liquid storage facilities shall comply with the following:

Part 49. Section 240-01 of the code is amended to read:

240-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[chs. Comm 20 to 25]]~~ >>chs. SPS 320 to 325<<, Wis. Adm. Code, as amended, as part of this code

Part 50. Section 240-22-2-a of the code is amended to read:

240-22. Attics and Third Floor Spaces.

2. THIRD FLOOR SPACES. a. For all buildings regulated by this chapter and constructed prior to June 1, 1980, all 3rd floor spaces used for other than storage and loft space shall meet the exiting requirements in ~~[[ch. Comm 24]]~~ >>ch. SPS 321<<, Wis. Adm. Code, as amended, except that one of the 2 required exits shall be a stair leading into the interior space of the 2nd floor, and the other exit shall be an interior stair discharging to grade.

Part 51. Section 240-23-1 to 3 of the code is amended to read:

240-23. Basement Rooms.

1. Ceiling height shall be in compliance with ~~[[ch. Comm 24]]~~ >>ch. SPS 21<<, Wis. Adm. Code, as

amended.

2. Light and ventilation requirements shall be in compliance with ~~[[ch. Comm 24]]~~ >>ch. SPS 21<<, Wis. Adm. Code, as amended.

3. Exiting shall be in compliance with ~~[[ch. Comm 24]]~~ >>ch. SPS 21<<, Wis. Adm. Code, as amended.

Part 52. Section 246-3-1 and 2 of the code is amended to read:

246-3. Adoption of State and Local Codes. 1. STATE CODE. Except as otherwise provided in this chapter, the city of Milwaukee adopts as part of this code ~~[[s. Comm 21.40,]]~~ >>s. SPS 321.40<< and ~~[[ch. Comm 26]]~~ >>ch. SPS 326<<, Wis. Adm. Code, as amended.

2. ELECTRICAL CODE. All electrical installations shall be in compliance with ~~[[ch. Comm 46]]~~ >>ch. SPS 316<<, Wis. Adm. Code, as amended, and ch. 222.

Part 53. Section 246-15-5 of the code is amended to read:

5. The installation of new manufactured homes and the relocation of existing units in manufactured home communities, after April 17, 2010, shall require a manufactured home occupancy permit be obtained prior to the unit being occupied. Installation of new units, including the placement of units on foundations or other support systems and the connection of plumbing and electrical systems, shall be performed by a licensed manufactured home installer as required by ~~[[s. 5.327(1) Comm]]~~ >>s. SPS 305.327(1)<<, Wis. Adm. Code and s. 101.96, Wis. Stats.

Part 54. Section 246-19 of the code is amended to read:

246-19. Responsibilities of Owners and Occupants. All manufactured home owners and occupants of manufactured homes in a manufactured home community shall comply with ~~[[ch. Comm 26.19]]~~ >>ch. SPS 326.19<<, Wis. Adm. Code, as amended, including, but not limited to, registration and maintenance of their site and unit. In addition, owners and occupants of manufactured homes in a manufactured home community shall obey all orders from the city and comply with all federal, city and state health and safety laws and regulations.

Part 55. Section 251-1 of the code is amended to read:

251-1. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[s. Comm 61.05]]~~ >>s. SPS 361.05<<, Wis. Adm. Code, as amended, and ss. 145.01(1), (2), and (4), 145.15(4), 145.165, and 145.175, Wis. Stats., as amended, as part of this code.

Part 56. Section 252-71-1 and 2-h of the code is amended to read:

252-71. Drainage. 1. ROOF GUTTERS AND CONDUCTORS. Except for private detached accessory buildings not more than 1,000 square feet in area, all roofs of buildings and structures shall be provided with approved watertight gutters and conductors for conducting water from roofs as regulated in ~~[[ch. Comm 82]]~~ >>ch. SPS 382<<, Wis. Adm. Code. Such gutters and conductors shall be fastened in place in an approved manner and maintained in good repair at all times, and all conductors shall be provided with approved screens. The cross-section of all conductors shall be as regulated in ~~[[ch. Comm 82]]~~ >>ch. SPS 382<<, Wis. Adm. Code.

2. DRAINAGE OF PAVED AREAS.

h. Washing of Motor Vehicles. All premises, now or hereafter used for the washing of motor vehicles, where because of such use water drains over a street walk or onto an adjoining premises, approved drains connected to a city sewer shall be provided and constructed as regulated in ~~[[s. Comm 82.34]]~~ >>s. SPS 382.34<<Wis. Adm. Code.

Part 57. Section 252-74-5-e of the code is amended to read:

252-74. Paving of Parking Lots, Areas and Spaces.

5. PLANS, PLAN EXAMINATIONS, FEES AND PERMITS

e. Drains for Parking Lots. Trench drains shall be installed in compliance with ch. 225. Catch basins and storm inlets shall be installed in compliance with ~~[[s. Comm 82.34]]~~ >>s. SPS 382.34<<, Wis.

Adm. Code.

Part 58. Section 257-17-6 of the code is amended to read:

257-17. Basement Rooms.

6. Such rooms shall be provided with 2 means of exiting. The exiting requirements shall comply with ~~[[ch. Comm 62]]~~ >>ch. SPS 362<<, Wis. Adm. Code, as amended.

Part 59. Section 261-98-9 of the code is amended to read:

261-98. Beer Gardens.

9. FIRE EXTINGUISHERS. Portable fire extinguishers shall be provided as set forth in ~~[[chs. Comm 61 and 62]]~~ >>chs. SPS 361 and 362<<, Wis. Adm. Code, as amended.

Part 60. Section 265-01 of the code is amended to read:

265-01. Adoption of State Code. The city of Milwaukee adopts ~~[ch. Comm 65]~~ >>ch. SPS 365<<, Wis. Adm. Code, as amended, as part of this code

Part 61. Section 275-61-3-f of the code is amended to read:

275-61. Heating Facilities.

3. SPACE HEATERS.

f. The clearance of automatically controlled gas space heaters to combustible construction shall be as set forth in ~~[[s. Comm 23.17]]~~ >>s. SPS 323.17<<, Wis. Adm. Code, as amended.

Part 62. Section 295-415-9-b-2 and c-4 of the code is amended to read:

295-415. Nonconformities.

9. FLOODPLAIN OVERLAY ZONES.

b-2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway overlay zone shall meet the applicable requirements of this code and ~~[[ch. Comm 83]]~~ >>ch. SPS 383<<, Wis. Adm. Code, as amended.

c-4. Any new private sewage disposal system, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of this code and ~~[[ch. Comm 83]]~~ >>ch. SPS 383<<, Wis. Adm. Code, as amended.

Part 63. Section 295-503-2-x-3 of the code is repealed and recreated to read:

295-503. Uses.

2. LIMITED USE STANDARDS.

x.. Live Entertainment Special Event.

x-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 64. Section 295-603-2-aa-3 of the code is repealed and recreated to read:

295-603. Uses.

2. LIMITED USE STANDARDS.

aa. Live Entertainment Special Event.

aa-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 65. Section 295-703-2-u-3 of the code is repealed and recreated to read:

295-703. Uses.

2. LIMITED USE STANDARDS.

u. Live Entertainment Special Event.

u-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 66. Section 295-803-2-hh-3 of the code is repealed and recreated to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

hh. Live Entertainment Special Event.

hh-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 67. Section 295-903-2-b-10-d of the code is recreated to read:

2. USES.

b. Limited Use Standards.

b-10. Live Entertainment Special Event.

b-10-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 68. Section 295-905-2-b-10-d of the code is recreated to read:

2. USES.

b. Limited Use Standards.

b-10. Seasonal Market.

b-10-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 69. Section 295-1011-9-f-4 and 10-h of the code is amended to read:

295-1011. Floodplain Overlay Zones (FW, FF, FSD)

9. STANDARDS FOR DEVELOPMENT IN THE FLOODWAY OVERLAY ZONE.

f-4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin department of natural resources-approved campgrounds that meet applicable city code provisions and [~~ch. Comm 83~~] >>ch. SPS 383 <<, Wis. Adm. Code, as amended.

10. STANDARDS FOR DEVELOPMENT IN THE FLOOD FRINGE OVERLAY ZONE

h. Sewage Systems. All on-site sewage disposal systems shall be floodproofed, in accordance with sub. 14, to the flood protection elevation and shall comply with all applicable city code provisions and the provisions of [~~ch. Comm 83~~] >>ch. SPS 383<<, Wis. Adm. Code, as amended.

Part 70. Section 295-1015-3-b-8-d of the code is

295-1015. LAKEFRONT OVERLAY ZONE (LF)

3. STANDARDS.

b-8. Seasonal Market.

b-8-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

Part 71. Section 320-16-2 of the code is amended to read:

320-16. Public Transportation Review Board.

2. MEMBER TERMS. All members of the public transportation review board shall serve terms of 3 years ~~[[beginning July 1, 2014]]~~. Each member shall designate in writing an alternate to act in the absence of the member.

Part 72. Section 320-29 of the code is renumbered 304-27.5:

Part 73. Section 350-50 of the code is repealed.

Part 74. Section 365-4 of the code is amended to read:

365-4. Application. This ~~[[section]]~~ >>chapter<< shall not apply to any competitive bid contract for the construction, execution, repair, remodeling or improvement of a public work building, or for the furnishing of supplies or material of any kind for the construction, execution, repair, remodeling or improvement of a public work or building.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB135607-2

Teodros W. Medhin

12/21/2011

clerical correction -- 3/2/12 -- lp