

CHAPTER 14

BUILDING

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14.01 PERMITS REQUIRED

- (1) General Permit Requirement. No building, plumbing or electrical work shall be performed in the Village unless a permit therefor is obtained as required in this chapter.
- (2) Payment of Fees. All fees shall be paid to the Village Clerk/Treasurer. A receipt showing that such fees as prescribed by ordinance have been paid shall be presented to the Building Inspector before the Inspector shall issue a building, electrical or plumbing permit.
- (3) Permit Lapses. A building, electrical or plumbing permit shall lapse and be void unless substantial operations under the permit are commenced within six (6) months from the date of the issuance of said permit.
- (4) Revocation. If the Building Inspector shall find at any time that any ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, no person shall do any further work thereunder until the permit is re-issued, excepting such work as the Building Inspector may order to be done as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety or property.
- (5) Report of Violations. All police officers shall report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this chapter.
- (6) Records. The Building Inspector shall keep a record of all permits, fees, and inspections and shall make an annual report.
- (7) Appeal. A person aggrieved by any decision by the Building Inspector or the Public Works Committee under this code shall have the right to appeal thereof to the Zoning Board of Appeals of the Village of Cassville in the same manner and with the same force and effect as provided for other appeals to said Board.

14.02 BUILDING CODE

(1) Building Permits and Inspections.

- (a) Permit Required. No building or any part thereof shall hereafter be erected, enlarged, or altered within the Village or ground broken for the same, except as hereinafter provided, until a building permit therefor shall first have been obtained from the Building Inspector by the owner or his authorized agent. The term "building" as used in this section shall include any building or structure and any enlargement, alteration, heating or ventilating installation moving or demolishing or anything affecting the fire hazards or safety of any building or structure.
- (b) Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also of the owner of the building if different and the legal description of the land on which the building is to be located, and shall contain such other information as the Building Inspector may require for effective enforcement of this section.
- (c) Plans. With such application there shall be submitted a complete set of plans and specifications as required in the Wisconsin Administrative Code, Uniform Dwelling Code. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from DILHR. Applicants for permits for buildings not subject to the Uniform Dwelling code or State Building Code shall submit building plans which include a plot plan, floor plan, and elevations the same as required for one- or two-family dwellings under the Uniform Dwelling Code.
- (d) Waiver of Plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving provided the cost of such work does not exceed \$2,000.
- (e) Approval of Plans. If the Building Inspector determines that the proposed building will comply in every respect with all ordinances of the Village and all applicable laws and orders of the State, he shall officially approve and stamp the set of plans and return it to the owner, and shall issue a building permit therefor which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws and orders, or which involves the safety of the building or occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector may, at his discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building.
- (f) Exceptions. The following repairs, alterations, and improvements to existing buildings which do not involve enlargements, changes in structural strength, ventilation, fire protection or changes in electrical or plumbing systems are exempt from requirements for issuance of a building permit:

- (1) Painting

- (2) Replacing floor, wall or ceiling coverings
 - (3) Replacement of gutters, eaves or downspouts
 - (4) Installation of household appliances, which does not require rewiring or changes in plumbing
 - (5) Tuck pointing or other repairs to existing masonry surfaces
 - (6) Replacing window glass
 - (7) Re-roofing which does not involve new structural support or replacement of existing structural support
- (g) Fees. The fees for building permits shall be as adopted by ordinance of the Village Board from time to time and on file in the office of the Village Clerk/Treasurer and Building Inspector.
- (h) Inspection of Work. The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster or before paneling is applied. After completion, he shall make a final inspection of all new buildings and alterations.

(2) Uniform Dwelling Code.

- (a) **AUTHORITY**. These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.
- (b) **PURPOSE**. The purpose of this ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- (c) **SCOPE**. The scope of this ordinance includes the construction and inspection of one and two family dwellings built since June 1, 1980.
- (d) **WISCONSIN UNIFORM DWELLING CODE ADOPTED**. The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- (e) **BUILDING INSPECTOR**. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. This position may, at the Village Board's discretion, be filled by a qualified employee of the Village or by a qualified independent contractor.
- (f) **BUILDING PERMIT REQUIRED**. No person shall build, add onto or alter any dwelling within the scope of this ordinance, in excess of \$2,000.00 value in any twelve

month period, without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition, as determined by the building inspector, is exempted from permit requirements. Residing, re-roofing, finishing of interior surface, and installation of cabinetry shall be exempt from permit requirements.

- (g) **BUILDING PERMIT FEE.** The current building permit fee for new construction shall be \$525.00 and \$75.00 per site visit for remodeling. Application forms and fees shall be submitted directly to the Building
 - (h) **INSPECTOR.** The seal fee (currently \$25.00), is included in the aforementioned fee, and shall be forwarded by the building inspector to the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to all new dwellings.
 - (i) **PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall not be less than \$25.00 nor more than \$500.00 for each day of noncompliance.
- (3) Portions of State Code Adopted. The State Building Code is hereby adopted and made a part of this chapter with respect to those classes of buildings to which this code specifically applies.
- (4) New Methods and Materials. All materials, methods of construction and devices designated for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved in writing by the Department of Industry, Labor and Human Relations for use in buildings or structures covered by the State Building Code, except sanitary appliances which shall be approved in accordance with the State Plumbing Code. Such materials, methods or construction and devices, when approved, shall be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by DILHR. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by DILHR.
- (5) Space and Occupancy Requirements. The following shall apply to all new construction and to alterations and enlargements where applicable.
- (a) Ceiling Heights. Habitable rooms, storage rooms, and laundry rooms shall have a ceiling height of not less than seven feet six inches. Hallways, corridors, bathrooms, and toilet rooms shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds

the area thereof, but in no case shall the height of the furred ceiling be less than seven feet.

- (b) Superficial Floor Area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet of superficial floor area. Every room that is used for both cooking and living or both living and sleeping purposes shall have not less than 150 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 90 square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

EXCEPTION: Nothing in this Section shall prohibit the use of an efficiency living unit meeting the following requirements.

- (1) The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
 - (2) The unit shall be provided with a separate closet.
 - (3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.
 - (4) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
 - (5) An efficiency living unit shall be defined as any room having cooking facilities used for combined living, dining, and sleeping purposes.
- (c) Width. No habitable room shall be less than seven feet in any dimension and no water closet space less than 30 inches in width and shall provide a clear space in front of the water closet not less than 24 inches.
- (d) Natural Light and Ventilation. All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 12 square feet.

Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

- (e) Origin of Light and Ventilation. Required windows shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard, or court; and
2. Has a ceiling height of not less than seven feet; and

3. Has the longer side at least 65 percent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

- (f) Mechanical Ventilation. In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms, and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five air changes per hour, shall be provided.
- (g) Vent Shaft. A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet in dimension. No vent shaft shall extend through more than two stories.
- (h) Hallways. All public hallways, stairs, and other exitways shall be adequately lighted at all times.
- (i) Dwelling Units. Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.
- (j) Hotels. Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional number thereof, in excess of ten. Such facilities shall be clearly marked for "Men" and "Women."
- (k) Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.
- (l) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except water closets shall be provided with cold water only. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- (m) Water Closet Compartments. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials.

- (n) Room Separations. Every water closet, bathtub, or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.
- (o) Installation and Maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable law.

(6) Unsafe Building.

- (a) Whenever the Building Inspector finds any building or part thereof within the Village to be, in his judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Subsection 66.05(5), Wis. Stats.
- (b) Whenever the Building Inspector determines that a proposed enlargement or alteration to an existing structure would result in the building or part thereof being unsafe, unsanitary or otherwise unfit for human habitation any application for a building permit to authorize such enlargement or alteration shall be denied.

14.03 ELECTRICAL CODE

(1) State Electrical Code Applies.

All electrical work, including the placing of wires and other equipment shall conform to the State Electrical Code and amendments and revisions which may be adopted in the future which is hereby made a part of this chapter by reference.

(2) Electrical Code Permit.

No electrical wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector. A fee, as adopted by ordinance of the Village Board from time to time and kept on file within the office of the Village Clerk/ Treasurer and Building Inspector shall be charged for the permit.

(3) Inspection of Work.

After roughing in the wiring of any building, and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector, who shall at once inspect or cause to be

inspected the same. Upon completion of such wiring, the Inspector shall be notified and shall inspect or cause to be inspected the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use any such electrical equipment until such certificate has been issued.

14.04 PLUMBING CODE

(1) State Plumbing Code Applies.

The construction, reconstruction, installation and alteration of all plumbing, drainage, and plumbing ventilation shall conform to the State Plumbing Code and amendments and revisions which may be adopted in the future, which is hereby adopted by reference as a part of this chapter.

(2) Plumbing Permit.

No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made without first securing a permit therefor from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector. A fee, as adopted by ordinance of the Village Board from time to time and kept on file within the office of the Village Clerk/Treasurer and Building Inspector, shall be charged for the permit.

(3) Inspection of Work.

Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up and the Building Inspector shall at once inspect, or cause to be inspected, the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

14.05 MOVING OF BUILDING

(1) Moving Permit Required.

No building or structure shall be moved into or within the Village without first obtaining a permit therefor from the Building Inspector, such permit to be issued only upon compliance with the provisions hereof and with other ordinances, if any relating thereto.

(2) Application for Moving Permit.

Application for such permit shall be made on a form provided by the Building Inspector. Such form shall describe the building to be moved; present location of the building; proposed location to which the building is to be moved; name and address of mover engaged; streets or other routes over which the building is to be moved; the date and time such moving

will take place and the approximate length of time required therefor; and any other information data or maps reasonably required by it to make a determination of the issuance of such permit.

(3) Moving Permit Fee.

No such permit shall be issued until the applicant has paid to the Village Clerk/Treasurer a fee therefor as adopted by ordinance of the Village Board from time to time and a file within the office of the Village Clerk/Treasurer and Building Inspector, and in addition thereto, the control of traffic and assurance of public safety or the protection of property will require Village Police Officers or the Village Employees to expend substantial time in connection with such move, then the fees herein set forth shall be increased to cover the cost to the Village thereof.

(4) Requirements of Moving Permit.

- (a) No permit shall be granted for the moving of any building or structure or portion thereof which is deteriorated or damaged to an extent greater than 50% of the assessed valuation of said building.
- (b) No permit shall be granted for moving of any building or structure where either the exterior architectural appeal or functional plan of buildings already constructed in the immediate neighborhood, or shall be otherwise at variance with the character of the said district to which it is being moved, so as to cause a substantial depreciation in the property of said neighborhood or district.
- (c) No such permit shall be issued unless the proposed use and location of said structure when moved will comply with all other applicable ordinances of said Village.
- (d) Where the issuance of such permit is conditioned upon alterations or improvements to be made in such structure after such moving is completed, said Building Inspector may require a bond or other suitable guarantee to the Village that such alterations will be completed within a reasonable time thereafter. The term "reasonable time" herein means a period which is fair under the existing circumstances taking into consideration the amount and kind of alterations, the time of year, the availability of personnel required to make same, and other similar pertinent factors.
- (e) No such permit shall be issued unless all reasonable precautions are made so that such moving may be done with reasonable safety to other property and persons and the applicant shall have furnished to the Village a written memorandum of insurance showing public liability insurance coverage in the minimum amounts of \$100,000 for injury to any person, \$300,000 for total personal injury, and \$50,000 for property damage.

(5) Time Limitation.

Such permit shall be valid only for the date and hour and on the routes which have been approved and are set forth in said permit and no variations therefrom shall be permitted

unless such variation shall have been authorized by said Building inspector.

14.06 RAZING OF BUILDINGS

- (1) No building or structure shall be demolished or removed without first obtaining a permit therefor from the Building Inspector. Before a permit may be issued the Building Inspector shall ascertain whether all gas, sewer and other utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.
- (2) Excavations shall be filled with solid fill to match lot grade, within thirty (30) days of the removal of the structure.
- (3) Razing Permit Fee.

No such permit shall be issued until the applicant has paid to the Village Clerk/Treasurer a fee therefor as adopted by ordinance of the Village Board from time to time and a file within the office of the Village Clerk/Treasurer and Building Inspector, and in addition thereto, the control of traffic and assurance of public safety or the protection of property will require Village Police officers or the Village Employees to expend substantial time in connection with such razing, then the fees herein set forth shall be increased to cover the cost to the Village thereof.

14.07 - PENALTY

Except as otherwise provided herein, any person who fails to comply with the provisions of this chapter shall be subject to forfeiture as provided in Subsection 25.04 of this Municipal Code. In addition, any person commencing a building, plumbing, electrical or other project, for which a permit is required under this chapter, prior to obtaining a building permit shall pay twice the amount of the required permit fee.

14.08 - HISTORIC PRESERVATION

(1) Purpose and Intent

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the Village's cultural, social, economic, political and architectural history.
- (b) Safeguard the Village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the Village.
- (d) Protect and enhance the Village's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

(2) Definitions

The definitions shall be as follows:

- (a) Certificate of Appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (b) Commission means the Historic Preservation Commission created under this section. The commission shall consist of at least 2 members of the Village Board.
- (c) Historic District is an area designated by the Village Board on recommendation of the Commission that contains two or more historic improvements or sites.
- (d) Historic Site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (e) Historic Structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Village, State or Nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- (f) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(3) Historic Preservation Commission Composition

A Historic Preservation Commission is hereby created, consisting of five (5) members. Of the membership, if available in the community, one shall be a registered architect, one shall be a licensed real estate broker, and three shall be members of the Village Board. Each member shall have, to the highest extent practicable, a known interest in historic preservation.

The Village President shall appoint the Commissioners subject to confirmation by Village Board.

(4) Historic Structure, Historic Site and Historic District Designation Criteria

- (a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Village such as historic structures, sites, or districts which:
 - 1. Exemplify or reflect the broad cultural, political, economic or social history of the Nation, State or Community; or

2. Are identified with historic personages or with important events in national, state or local history; or
 3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method or construction, or of indigenous materials or craftsmanship; or
 4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

(5) Powers and Duties

(a) Designation.

The Commission shall have the power, subject to Section VI, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on Section IV. Historic districts shall be approved by the Village Board. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.

(b) Regulation of Construction, Reconstruction, Alteration and Demolition.

1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
2. Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
 - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria

of the historic preservation plan for said district;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state;
 - e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
- (3) If the commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application.
- (4) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
- (5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) Appeals.

Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the full Village Board within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(d) Recognition of Historic Structures, Sites and Districts

At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at village expense, a suitable plaque declaring that such property is a historic structure, site or district.

(6) Procedures

(a) Designation of Historic Structures and Historic Sites

- 1. The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the village

assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.

2. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records, as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk, Building Inspection Division, Plan Commission, and the Village Assessor. The commission shall cause the designation or rescission to be recorded, at village expense, in the County Register of Deeds Office.

(b) Creation of Historic District

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the village to be designated as Historic Districts and shall prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the village, after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
2. Review and Adoption Procedure
 - a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place & purpose of the public hearing shall be sent by the Village Clerk to the all Village Board Members and the owners of record, as listed in the office of the Village Assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.
 - b. The Village Board. The Village Board upon receipt of the recommendations from the Historic Preservation Commission shall hold a public hearing, notice to be given as noted in subparagraph a. above and shall following the public hearing either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

(7) Interim Control

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village Council unless such alteration, removal or demolition is authorized by formal resolution of the Village Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

(8) Penalties for Violations

Any person or persons violating any provision of this section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

(9) Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.