



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Public Services & Safety
Committee
Re: Amending various sections of Ch. 7, Fire
Prevention and Protection, Ch. 21, Building
Code, and Ch. 22, Environmental Control to
update references to the Wisconsin
Administrative Code

ORDINANCE NO. 2014-7
Introduced: April 2, 2014
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 7-20(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 7-20. Other standards adopted.

(a) The State codes listed in this section are hereby adopted by reference and made a part of this section. The Fire Department may note any violations of such codes and to report those violations to the appropriate community service inspectors. The fire inspectors shall have the authority to cite such violations on fire inspections.

- (1) Fire Prevention, Wis. Admin. Code ~~Comm~~SPS ch. 314
- (2) Existing Buildings, Wis. Admin. Code ~~Comm~~SPS chs. 375 to 379;
- (3) Wis. Admin. Code ~~Comm~~SPS ch. 316, Wisconsin State Electrical Code;
- (4) Wis. Admin. Code, Wisconsin Commercial Building Code, ~~Comm~~SPS chs., 361—365 and Appendices A and B;
- (5) Elevators Code, Wis. Admin. Code ~~Comm~~SPS ch. 318
- (6) Flammable and Combustible Liquids, Wis. Admin. Code ~~Comm~~ATCP ch. 9310

Section 2. Section 17-27(h) & (j) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(h) *Owner responsibility.* The property owner shall be responsible for the elimination of or the protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with ~~Wisconsin~~ [Wis. Administrative Code](#) NR 810.15, and ~~CommSPS~~ [. 382](#). The property owner shall have corrected any malfunction revealed by periodic testing of any backflow prevention device on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow prevention device unless there is a backflow prevention device of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow the testing to occur. In the event the property owner installs plumbing upstream of the backflow prevention device, such plumbing must have its own backflow prevention device. The property owner shall follow the protection practices described in the latest edition of the American Water Works Association publication AWWA M14 entitled "Recommended Practices For Backflow Prevention and Cross-connection Control", unless the Utility requires or authorizes other means of protecting the public water system.

(j) Other regulatory codes. ~~Wisconsin~~ [Administrative Code](#) ~~CommSPS~~ [382.41](#) is hereby adopted, except any penalty provisions. Wisconsin Administrative Code NR 810.15 is hereby adopted.

Section 3. Section 21-22 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 21-22. Application of "Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code"; State Building Code adopted.

The State Commercial Building Code, Chs. ~~COMMSPS~~ [. 361-65366](#), Wis. Admin. Code, and ~~COMMSPS~~ [. 320-325](#), Uniform Dwelling Code, are adopted by reference as a part of this article. A violation of any provision therefrom shall be a violation of this article.

~~(1) — State plan review. The City of Neenah elects to opt out of the exemption for plan review for Registered Projects under Wis. Adm. Code COMM 61.30(1)(b)2., Table 61.30-2, for all commercial building projects more than 25,000 to less than 50,000 cubic feet in volume and shall require a full State Plan Review for all commercial building projects more than 25,000 to less than 50,000 cubic feet in volume. The City of Neenah elects not to accept plans prepared by a registered individual under Wis. Stat. Ch. 443 pursuant to as provided for by Wis. Adm. Code COMM 61.30(1)(b)2.a. in lieu of full state plan review for such buildings.~~

Section 4. Section 21-69 (Electrical work) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Electrical work means the installation, superintending or inspection of electrical wiring and equipment for the production, modification, utilization or safeguarding of electrical energy as covered by the State Electrical Code, ~~Wis. Admin. Code Comm ch. 16.~~

[State Electrical Code means Wis. Admin. Code SPS ch. 316.](#)

Section 5. Section 21-70 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 21-70. State code adopted.

The State Electrical Code, Wis. Admin. Code ~~Comm~~SPS ch. 316 is adopted by reference as a part of this article. A violation of any provision therefrom shall be a violation of this article

Section 6. Section 21-101 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 21-101. State code adopted.

Wis. Admin. Code ~~Comm~~SPS Chs. 323, 345, and 364 and all amendments thereto are hereby made part of this code by reference. A violation of any provisions therefrom shall be a violation of this article.

Section 7. Section 21-126(a) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 21-126. State regulations adopted.

(a) Adopted by reference. Wis. Stats. ch. 145 and the State Plumbing Code, Wis. Admin. Code § ~~381-384~~(~~Comm~~SPS), are adopted and by reference made a part of this article with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this article, punishable according to the penalties provided herein.

Section 8. Section 22-90(4) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and ch. ~~COMM~~SPS 383, Wis. Adm. Code;

Section 9. Section 22-260(2)a. of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- a. Land disturbing construction activity that includes the construction of one- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance. These construction sites are regulated by the Wisconsin Department of ~~Commerce~~ Safety and Professional Services under Wis. Admin. Code § ~~COMM~~ SPS 321.125.

Section 10. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 11. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: Ald. Stevenson/Pollnow
Adopted: April 2, 2014
Approved: April 2, 2014
Published: April 7, 2014



George Scherck, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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State Bar No. 1005210