

**CHAPTER 239
ACCESSORY BUILDINGS AND STRUCTURES**

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239-1. Detached Private Garages. 1. GENERAL REGULATIONS. a. An automobile shall not be placed or stored in any building or structure except as permitted and regulated in this code.

b. Detached private garages on premises used entirely for residential purposes and located on premises occupied by no more than 2 families, may be of Type VB construction or better.

2. LOCATION. a. Detached private garages shall be located on premises as regulated in ch. 295 and as follows:

a-1. When swinging doors are used, not less than the width of such doors from street to alley lines.

a-2. When of Type VB construction, not less than 10 feet from any residence building, except that such distances may be reduced to not less than 3 feet when the exterior walls of such garage adjacent to a residence building are protected with not less than one-hour, fire resistant construction.

a-3. When of Type IIB unprotected noncombustible frame construction, not less than 6 feet from any residence building.

a-4. When of Type IA, IB, IIA, IIIA, IIIB, IV or VA construction, not less than 3 feet from any residence building.

b. The regulations in par. a apply to private garages which are constructed as an ancillary use to one and two-family dwellings.

4. FOOTINGS AND FOUNDATIONS. Footings and foundations as regulated in chs. SPS 361 and 362, Wis. Adm. Code, shall be

provided for all private garages, except that private garages of Type IIB, VA or VB construction may be provided with a continuous floating slab of reinforced concrete not less than 4 inches in thickness. Reinforcement shall be a minimum of number of 10 (6X6) inch wire mesh or fiber reinforced concrete. The slab shall be provided with a thickened edge all around, 12 inches wide and 8 inches below the top of the slab. The thickened edge shall have 2 continuous #4 horizontal reinforcement bars placed in the lower third of the thickened edge. Exterior wall curbs shall not be less than 8 inches above the adjoining grade.

5. FLOOR SURFACE. The floor in all private detached garages shall be of concrete construction. No openings or pits in the floor shall be permitted.

6. CONSTRUCTION. Private detached garages shall be constructed as follows:

a. Load bearing foundation walls and piers, masonry walls and partitions shall be constructed as regulated in sub. 5.

b. Detached private garages of Type VA or VB construction shall be constructed as regulated in chs. Comm 61 and 62, Wis. Adm. Code, with the following exceptions:

b-1. Studs may have a maximum spacing of 24 inches on centers. Doubling of studs shall not be required at jambs of openings less than 40 inches wide.

b-2. Diagonal corner bracing may be applied on the inside surface of studs.

b-3. Corner posts may consist of 2 2 by 4 inch studs or a single 4 by 4 inch stud.

b-4. Top plate may be single, provided rafters are placed over studs and plates are lapped to provide ties.

b-5. Sheathing and sheathing paper may be omitted. Siding may be applied directly to the studs.

b-6. Interior wall and ceiling finish need not be provided when not required for fire protection.

b-7. Horizontal bracing and collar beams may be 2 by 4 inches with a maximum spacing of 6 feet on centers. Private detached garages of Type IIB unprotected and noncombustible frame construction shall have a structural frame of the conventional hot-rolled structural steel shapes or approved light gauge steel and the exterior and

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interior walls and roof shall be made of metal or other approved noncombustible material. Metal when used for exterior or interior walls or the roof shall be of not less than No. 24 U.S. gauge corrosion-resistant metal or steel which has been painted, galvanized, enameled or covered with other approved integral weatherproof covering or treatment.

7. ELEVATION OF PRIVATE GARAGES. No permit shall be issued by the commissioner of city development for the construction of a private garage where the elevation of the floor at any point of the garage is less than 3 inches above the grade of the sidewalk or alley from which access by a motor vehicle is to be made or where the slope of the approach from the street or alley line is greater than 2 inches per foot.

8. DOORS. Detached private garages and accessory buildings designed or utilized for the storage of motor vehicles shall be equipped with operative doors at all entranceways.

9. HEATING APPLIANCES. a. Except as provided in pars. b to d all fuel-fired heating equipment, including but not limited to boilers, furnaces or water heaters, shall be isolated from the rest of the building by at least a 2-hour fire-resistive enclosure.

b. Direct vent sealed combustion chamber appliances need not be enclosed with fire-resistive rated construction.

c. Boilers up to 200,000 BTU input, water heaters up to 200,000 BTU input, furnaces and vented unit heaters may be used if the units are suspended at least 7 feet above the floor.

d. Electric heating equipment may be used if it is of a listed or an approved type.

239-2. Fences. 1. DEFINITION. In this section, "fence" means a structure of masonry, posts and boards, pickets or metal chain link, or wrought iron.

2. HEIGHT, SETBACK AND VISION TRIANGLE. Fences, including all posts and vertical structural supports, shall meet the applicable fence height, setback and vision triangle regulations of ch. 295.

3. STRUCTURAL REGULATIONS.

a. The maximum dimension of wood posts shall be 6 inches nominal.

b. The maximum dimension of boards shall be one by 8 inches nominal.

c. The maximum diameter of individual poles of a stockade fence shall be 3 inches nominal.

d. All fences shall be constructed of approved fencing material and constructed in

workman-like manner. The use of doors or plywood sheets, snow fence, pallets, chicken wire or plastic material less than 1/2 inch in thickness is prohibited. Notwithstanding the prohibition on use of snow fence, such fence may be used from November 15 to April 15 provided it is installed such that drifted snow does not impact on adjoining properties or street right-of-way.

e. The supporting horizontal and vertical members of a fence shall face the interior of the lot on which the fence is erected.

f. The fence material which faces the exterior of the lot must be the same grade, or better, of the material facing the interior of the lot.

g. The construction of any opaque fence that is 4 feet or more in height shall be properly anchored to a depth of not less than 30 inches.

h. Each fence shall be uniform in color, except that a fence painted, stained or otherwise finished in 2 colors shall be permitted. A fence may be painted, stained or otherwise finished in 3 or more colors only with the permission of the commissioner.

4. CLEARANCE. The fence height regulations established in this section shall not prevent an increase in height not exceeding 2 inches to allow for clearance between the fencing material and the surface below to prevent decay or corrosion.

5. BARBED WIRE. Barbed wire may be used for fence purposes only on premises zoned C9H (warehousing and light manufacturing) or industrial, and when used shall be located not less than 6 feet above the grade directly below the wire.

6. WIND PRESSURE. All fences, screens or other similar structures shall be constructed to withstand a wind pressure of at least 30 pounds per square foot.

7. REMOVAL OF EXISTING FENCE. Whenever a new fence is constructed parallel to and within 6 feet of an existing fence on the same lot, the existing fence shall be removed within 10 days of completion of the new fence.

239-3. Pigeon Lofts. 1. In addition to the regulations of this section, pigeon lofts shall comply with the regulations of ss. 239-1 and 239-7.

2. In residential, neighborhood shopping, local business and high density residential zoning districts, pigeon lofts shall not be permitted as detached or separate buildings, nor shall such lofts be attached to exterior walls or placed on the roof of any existing accessory building. Pigeon lofts in these districts may only

be constructed as an integral and inner part of an accessory building used principally for storage, private garage and similar uses customarily incidental to a residential use. The area of the loft shall not exceed 1/3 of the area of the accessory building in which such loft is located. Accessory buildings accommodating pigeon lofts shall be limited in height as regulated in ch. 295.

3. In districts other than those enumerated in sub. 2, pigeon lofts may be erected as detached or separate buildings or structures when in compliance with the accessory building area limitations of ch. 295. In such districts, pigeon lofts may also be attached to or placed on the roof of accessory buildings; provided the area of the loft shall not exceed 200 square feet.

239-4. Smokehouses. 1. In addition to the regulations of this section, smokehouses shall comply with the regulations of s. 239-1.

2. Detached smokehouses shall have walls of not less than 2 hours fire-resistive construction with a noncombustible floor and roof, and a metal door overlapping the door opening at least one inch at the top and on both sides, and shall have a noncombustible vent or smoke flue.

3. Smokehouses may be located within the principal building if constructed of 3 hour fire-resistant construction throughout.

239-5. Outdoor Storage of Lumber.

1. **APPLICABILITY.** The regulations of this section shall apply to all premises used for wholesale or retail outdoor storage of new and used lumber and to any lumber stored outdoors elsewhere in piles exceeding 6 feet in height.

2. **HEIGHT.** No lumber pile shall exceed 20 feet in height.

3. **ACCESS.** No lumber pile shall exceed 1,000 square feet in area. For each such area, there shall be provided access passageways not less than 4 feet wide on at least 3 sides of such lumber piles and a fire access lane of not less than 20 feet in width on the remaining side. Such fire access lanes shall at all times be unobstructed, except for the loading and unloading of lumber, and shall continue to at least one street or alley.

4. **LOCATION.** a. Except as otherwise regulated herein, no lumber piles shall be placed or maintained less than 20 feet from adjoining lot lines or from any building or structure on the same

premises. No such lumber piles shall be placed or maintained less than 30 feet from any building or structure on an adjoining property or from any public viaduct or bridge.

b. Lumber piles may be placed on any premises adjacent to or adjoining a building or structure having the exterior wall of not less than 4-hour fire-resistive construction and having no openings therein, except that the height of such lumber piles shall be not less than 3 feet below the top of such walls.

239-6. Coal and Material Bins (Hoppers); Trestles. 1. **APPLICABILITY.** Except as otherwise regulated in ch. 236, the regulations of this section shall apply to buildings and structures used for the storage and handling of coal, minerals, and similar materials in bulk.

2. **CONSTRUCTION.** a. Coal and material bins (hoppers) located more than 30 feet from adjoining lot lines or building or structures on the same premises, or along a railroad or water right-of-way, and not more than 30 feet in height, nor more than 15,000 square feet in area, may be constructed of wood planking and timbers of the dimension regulated for Type IV construction. Trestles located as regulated herein when not more than 30 feet in height may also be of such wood construction.

b. Coal bins (hoppers) not in compliance with par. a shall be of Type IA construction, except that such bins (hoppers) exceeding 15,000 square feet in area may be of such wood construction when divided into compartments or sections by fire walls of not less than 4-hour fire-resistive construction so that no such compartment or section exceeds 15,000 square feet in area. For noncombustible materials such bins (hoppers) may be of Type IIB construction.

c. Trestles not in compliance with par. a shall be of Type IA, IB or IIB approved construction.

d. Storage bins (hoppers) used for the storage or handling of noncombustible materials not exceeding 500 square feet in area may be enclosed with approved wood frame construction but not including structural supports of such bins. Enclosures for all other bins (hoppers) shall be of approved noncombustible construction.

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239-7. Buildings and Structures for Animals and Fowl. 1. In addition to the regulations in this section, buildings and structures for the housing of animals and fowl shall comply with the regulations of s. 239-1.

2. Buildings and structures for animals and fowl must comply with ch. 295 and Wisconsin department of agriculture, trade and consumer protection regulations.

3. Buildings and structures for fowl shall comply with the regulations of s. 78-6.5, **[s. 78-6.5 will be effective 7/28/2011]** and shall not be subject to any of the regulations of subs. 1 and 2 if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height.

239-8. Automobile Parking Lot Shelters. Shelter sheds, used in connection with automobile parking lots, and shelter offices used in connection with sale of automobiles or equipment, shall not exceed an area of 100 square feet and a height of 10 feet.

239-9. Temporary Buildings and Structures.

1. An approved temporary building or structure, counters, platforms and stands used in connection with the sale of flowers, plants and shrubs shall be located on premises at a distance of not less than 10 feet from adjacent buildings and structures of Type VB construction, not less than 5 feet from adjacent buildings and structures of other type of construction, and not less than 6 feet from street lot lines. Only one such building or structure with a roof shall be permitted on any one premises, and shall not exceed an area of 100 square feet and a height of 9 feet. Platforms, stands and sales counters erected on any premises shall not exceed an area of 200 square feet. Permits for such temporary buildings or structures for counters, platforms and stands shall be limited to 90 days.

2. a. Temporary buildings and structures such as reviewing stands or platforms, and other miscellaneous buildings and structures conforming to the regulations of this code, and sheds, canopies, or fences used for the protection of the public around and in conjunction with construction work, may be erected on any premises by special permit from the commissioner of city development for a limited period of time. Such temporary buildings and structures shall be removed upon the expiration of the time limit stated on such

permit. For such buildings and structures erected on any public thoroughfare, permits shall be obtained from the department of public works.

b. The commissioner of city development may require that canopies used for protection purposes around construction work be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner of city development and a separate permit issued for their construction.

3. A trailer, mobile home, motor vehicle, wagon or a portable building cannot be used in place of a permanent building with a foundation for any business, religious, educational, restaurant, commissary, shop, storage, office, laboratory, merchandise display or other similar occupancy.

239-10. Display Garages. Display garages may be erected on a premises as an accessory building for a legally permitted business use for a limited period of time as prescribed by the commissioner.

239-11. Accessory Sheds and Structures.

1. a. In addition to the regulations of this section, accessory sheds shall comply with the regulations of ss. 239-1 and 4 and the applicable provisions of ch. 295.

b. As an alternative to requirements in s. 239-1-4 for footings and foundations, an accessory shed may have an approved hard surface. Approved hard surfaces shall include but not be limited to concrete of at least 3 inches in thickness, 2 inches of macadam laid on 3 inches of gravel, or patio block laid on 3 inches of gravel.

c. When of type VB or petrochemical-based construction, a shed or accessory structure shall not be less than 10 feet from the principal building on the premises, except that the distance may be reduced to not less than 3 feet when the exterior walls of such structure is protected with not less than one-hour fire resistance construction.

2. Accessory sheds shall be anchored to the ground in a manner approved by the department of neighborhood services.

3. All accessory structures larger than accessory sheds shall comply with the regulations for detached private garages in s. 239-1.

239-12. Yards and Pool Decks. A permit issued by the department of city development is required for any deck that is attached to a principal building and for any deck that is freestanding and greater than 2 feet above grade. Frost footings are optional for freestanding decks. Decks shall also meet the requirements specified in s. 295-505-3-h.

239-13. Publicly Accessible Collection Bins.

1. DEFINITION. In this section:
 - a. "Publicly accessible collection bin" means any container, except any container placed by any government or governmental agency, that allows for any member of the public to deposit items into the container for the purpose of collection by the provider of the container.
 - b. "Publicly accessible collection bin provider" means any person, company or entity that places publicly accessible collection bins on private property to collect clothes and shoes either to give away, sell to raise money for charities or to sell for profit.
 - c. "Local operator" means an operator as defined in s. 200-51.5-2-e.
 - d. "Nonprofit organization" means an organization as defined in s. 101-23.7-1-c.
2. PERMIT REQUIRED. No publicly accessible collection bin shall be placed on a property unless the provider of the bin has first obtained a permit. In addition to the permit for the provider, a separate permit shall be required for each publicly accessible collection bin.
3. APPLICATION. a. An application for a new or renewal publicly accessible collection bin provider and bin permit shall be filed with the commissioner of neighborhood services on a form provided therefor. An application for renewal of a provider permit and a bin permit shall be filed at least 60 days before the expiration date.
 - b. The application for a publicly accessible collection bin provider permit shall require the name, address and phone number of the provider and whether the provider is a for-profit or nonprofit organization.
 - c. The application for a publicly accessible collection bin permit shall require:
 - c-1. The name, address and phone number of the provider.
 - c-2. The name, address and phone number of an employee of the provider in charge of the bin.
 - c-3. The name, address and phone number of the owner of the property where the bin is located.
 - c-4. The name, address and phone number of the local operator, if the owner of the

property is different from the owner of the business.

- c-5. Proof of general liability insurance pursuant to sub. 7-d.
- c-6. A copy of the written permission of the owner of the property pursuant to sub. 7-i.
- c-7. A site plan demonstrating compliance with the regulations set forth in sub. 7, for each publicly accessible collection bin application.
4. FEES. All applications for permits issued pursuant to this section shall be accompanied by the fee specified in s. 200-33-44.5.
5. INSPECTION. Upon receipt of an application for a publicly accessible collection bin permit, the commissioner of neighborhood services shall inspect the bin for compliance with the regulations set forth in sub. 7.
6. PERMIT ISSUANCE. The commissioner of neighborhood services shall issue a publicly accessible collection bin provider permit and separate bin permits upon receipt of completed application forms, permit fees and satisfactory inspection pursuant to sub. 5. Permits issued by the department shall be affixed to the front of each bin.
7. REGULATIONS. All publicly accessible collection bins shall comply with the following:
 - a. A bin shall be no larger than 6 feet in height measured at lot grade; however, the height shall include any pad or elevating device which is higher than the parking lot grade. A bin shall also be no larger than 6 feet in width by 5 feet in depth. The storage compartment of a bin shall be able to be securely locked at all times so as to limit access by the public to the material placed inside the bin.
 - b. A bin shall prominently display on the front and on at least one other side of the bin, the name, address and phone number of the provider of the bin and whether that provider is a for-profit or nonprofit organization or entity. This information shall be printed in characters that are at least 3 inches in height.
 - c. A bin shall be emptied no less than once per week. Whenever the commissioner of neighborhood services notifies the provider of the bin, the owner of the property or the local operator where the bin is located of the fact that

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material of the type intended to be collected in the bin has been left outside the bin, the provider, owner or local operator shall have 72 hours to remove the material.

d. The provider of the bin shall maintain a general liability policy on each bin. The minimum limit of such insurance coverage shall be \$150,000 combined single limit for bodily injury, including death and property damage.

e. A bin shall be maintained in a clean condition and kept in good repair. The provider of the bin shall monitor each bin so that it is kept clean and free of graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, and is kept in good repair. The provider shall also ensure that each bin under his or her ownership or control is not used as a depository for the placement of refuse. Whenever the commissioner of neighborhood services notifies the provider of the bin where the bin is located of the fact that the bin contains graffiti or refuse, the provider, owner or local operator shall have 72 hours to have the graffiti or refuse removed.

f. Whenever the commissioner of neighborhood services notifies the provider of the bin that the bin has been damaged or vandalized the provider of the bin shall repair, replace or remove the bin within 5 days of receipt of notice of the damage or vandalism. If the bin has been damaged or vandalized so as to constitute a danger to persons or property, it shall be made safe within 24 hours following notice of the condition.

g. No publicly accessible collection bin shall be placed on any public place as defined in s. 115-1-10, or on any sidewalk, sidewalk area or street as defined in s. 115-1-14 to 16.

h. No publicly accessible collection bin shall be used for advertising or promotional purposes, other than for the name, address and phone number of the provider and information regarding the purpose for which the bin is intended.

i. No publicly accessible collection bin shall be placed on any private property without written permission of the property owner or local operator. A copy of this agreement shall be filed with the commissioner of neighborhood services at the time a permit application is submitted for a publicly accessible collection bin.

j. No publicly accessible collection bin shall be placed on any private property within 3 feet of any sidewalk, sidewalk area or street as defined in s. 115-1-14 to 16, or within 3 feet of a front, rear or side setback line.

k. Only one publicly accessible collection bin per premises shall be allowed.

L. A publicly accessible collection bin may be located on:

L-1. Any premises in a commercial, industrial or institutional zoning district.

L-2 In a residential or downtown zoning district, only a premises containing an elementary or secondary school or religious assembly.

m. Each publicly accessible collection bin shall be located a minimum of 500 feet from any other publicly accessible collection bin. The distance between any 2 bins shall be measured, without regard to intervening structures, as the closest distance between the property lines of the properties containing the bins.

n. Each publicly accessible collection bin shall be placed on an approved surface, as specified in s. 252-74-1-a.

8. ENFORCEMENT. The commissioner of neighborhood services shall be responsible for enforcing this section. The commissioner may issue orders to correct conditions for violations of this section to the property owner upon which the collection bin is located. The commissioner may charge reinspection fees for violations of this section pursuant to s. 200-33.

9. REMOVAL. a. Whenever a publicly accessible collection bin has been allowed to remain standing on a public place, sidewalk, sidewalk area or street for more than 72 hours after the commissioner of neighborhood services has placarded the publicly accessible collection bin and 48 hours after mailing a notice to the provider of the bin, the bin shall be deemed to have been abandoned and the commissioner shall arrange to remove and dispose of the publicly accessible collection bin. The notice shall inform the bin provider of the manner of avoiding a declaration of abandonment and of the means of reclaiming the publicly accessible collection bin.

b. When a publicly accessible collection bin for which no permit has been issued has been allowed to remain standing on any private property for longer than 72 hours, the commissioner of neighborhood services shall placard the bin pursuant to the procedures set forth in par. a.

c. A bin provider may retrieve a bin removed pursuant to pars. a and b, by appearing during normal business hours at the designated bin holding location and paying the bin retrieval fee for the removal of the bin established in s. 200-33-44.5-e.

d. The commissioner may dispose of bins that have been held for 30 days or more at the designated holding facility.

10. APPEAL. Appeal of the determination of the commissioner of neighborhood services imposing charges pursuant to this code may be submitted to the administrative review appeals board as provided by s. 320-11. Appeals filed pursuant to this section shall be filed no later than 30 days after the charges are imposed.

****Enforcement of s. 239-13 is stayed until April 1, 2025.**

For the legislative history of Chapter 200, contact the Municipal Research Library.

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Pages 338-356 are blank.