

CHAPTER 240
ONE AND TWO FAMILY UNIFORM DWELLING CODE

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240-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts chs. SPS 320 to 325, Wis. Adm. Code, as amended, as part of this code.

240-1. General Regulations. 1. PERMITS AND FEES. The city shall require permits and fees for construction, additions, alterations and repairs in accordance with ss. 200-24 to 200-33.

2. LEGAL RESPONSIBILITY. The city shall not assume legal responsibility for the design or construction of dwellings.

3. RETROACTIVITY. The provisions of the code are not retroactive.

4. LANDSCAPING. The scope of this chapter does not extend to driveways, sidewalks, landscaping and other similar features not having an impact on the dwelling structure. See s. 252-75 for the landscaping requirements which apply to premises containing one- and 2-family dwellings.

5. EXISTING DWELLING. The provisions of this chapter shall apply to additions and alterations to all one and 2-family dwellings existing prior to the effective date of this chapter [January 1, 1986] if construction was commenced after the effective date of this chapter.

240-2. Zoning Restrictions on Construction. Buildings not more than 2 stories in height shall be of Type 7 construction or better when located in a restricted office, neighborhood shopping, local business, regional shopping or central business district.

240-3. Pre-existing Structures. Although the uniform state one and 2-family dwelling code does not apply to additions or alterations to buildings erected prior to June 1, 1980, it is the intent of the city not to have a separate code in these instances. Should an owner, in the construction of an addition or alteration to a one or 2-family structure erected prior to June 1, 1980, find undue hardship in complying with any provisions of this chapter which are more restrictive than the former city one and 2-family code, the owner may petition the commissioner of city development for relief to build in accordance with ch. 33 of the Milwaukee building code of 1977 or the construction requirements of the "Southeast Wisconsin Alterations and Remodeling Guidelines" found in s. 30.55 of the Wisconsin uniform building code.

240-21. Elevation of Finished Yard Grade at the Building Perimeter. The proposed finished yard grades of a newly-constructed one or 2-family dwelling at the building perimeter, as shown on the plat of survey required by s. 200-26-1-c, shall be compatible with adjacent properties and adjoining existing or proposed streets and alleys. Compatibility shall be determined using one or more of the following criteria:

1. The elevation of existing or proposed public walks which adjoin the property.

2. The elevation of existing or proposed streets which adjoin the property.

3. The elevation of existing or proposed alleys which adjoin the property.

4. The elevation of the lot as shown on the subdivision grading plan, if such plan exists. In the absence of such plan, existing, established grades shall be used.

5. The elevations of the lot lines of the adjacent properties.

6. If an adjoining property has been developed, the finished yard grades of that property.

7. If an adjoining property is not developed, the proposed finished yard grades of that property.

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8. The natural drainage of the lot with respect to the topography of the lot and the surrounding topography.

9. Natural features on the lot, such as wooded areas, that would be disturbed if the existing lot grade were to be altered.

240-22. Attics and Third Floor Spaces.

1. ATTICS. For all buildings regulated by this chapter and constructed prior to June 1, 1980, an attic may not contain habitable space, bathrooms, toilet rooms or other plumbing fixtures. In this subsection, "habitable space" means space for living, sleeping, eating or cooking. Closets, hall storage or utility spaces and similar areas are not considered habitable space. The installation of a bathroom, toilet room or use of habitable space in an attic shall result in the classification of that level of the building as a story.

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. 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.

b. Third floor space used for other than storage may not contain bathrooms, toilet rooms, other plumbing fixtures or space used for eating and cooking.

240-23. Basement Rooms. In existing buildings, no habitable rooms, including sleeping rooms, shall be located and maintained in a basement when not in compliance with the following:

1. Ceiling height shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

2. Light and ventilation requirements shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

3. Exiting shall be in compliance with ch. SPS 21, Wis. Adm. Code, as amended.

4. All walls and floors shall be damp proof and waterproof.

5. Such rooms shall be fit for human habitation as determined by the department.

240-25. Foundation Repairs and Damp-Proofing.

1. APPLICATION. a. Any contractor engaged in foundation repairs or damp-proofing of a single or 2-family dwelling shall be required to obtain an alteration and repair permit from the department of city development prior to making any repairs.

b. When applying for the permit, an applicant shall submit plans and specifications which shall include a statement of existing defects and an analysis of the cause of those defects to ensure that the plan addresses all conditions responsible for the defects and includes measures to correct them.

2. REPAIR STANDARDS.

a. EXTERIOR REPAIR STANDARDS.

a-1. In the area of the repair, the following requirements shall apply:

a-1-a. The portion of the wall to be repaired shall be excavated from grade to footing unless otherwise authorized in the permit and verified in the field by the inspector.

a-1-b. When affected repairs include porches or stoops, the work must comply with this chapter.

a-1-c. Exposed wall shall be cleaned.

a-1-d. Loose parging shall be removed.

a-1-e. Cracks and parging shall be repaired with Type M mortar or other approved material.

a-1-f. Walls shall be returned as near as possible to plumb and damp-proofed with a heavy coat of bituminous damp-proofing material or other approved waterproof material.

a-1-g. Existing drain tile systems shall be functional or repaired to function.

a-1-h. Where a hydrostatic water problem is found to exist, a water collection drain tile system shall be installed in accordance with the code.

a-2. Upon completion, the department shall inspect the repairs to insure compliance with par. a and authorize that backfill, with crushed rock or washed stone to within 18 inches of final grade, be completed.

a-3. Final grade shall ensure drainage away from the foundation.

a-4. No other form of wall repair or replacement shall be done without prior approval of the department of city development.

b. INTERIOR REPAIRS AND STANDARDS. b-1. A wall may not be reinforced if the wall has not been made plumb to close any horizontal cracking. Walls that are not plumb may be reinforced if supported by engineering data.

b-2. Constructed masonry pilasters shall be made integral with the exterior wall and reinforced with at least 2-number 3 rods and filled with 3,000 PSI concrete or other approved material.

b-3. No other form of reinforcement shall be done without prior approval by the department of city development.

b-4. Affected walls to be repaired may have loose or cracked mortar joints cleaned to a minimum depth of 1/2 inch and tuckpointed with Type M mortar or other approved material.

b-5. When installing weep holes in foundation walls, care shall be taken to provide adequate drainage from weep holes to drain tile by either stone or mechanical means. There shall be no more than one weep hole per cell. When the floor is replaced, a minimum of 3 inches of concrete shall be placed over drain tile and a minimum of 2 inches of concrete shall be placed over the footing, or be replaced to match the existing floor.

b-6 Drain tile placed under the basement floor shall be open jointed drain tile, earthenware pipe or other approved material not less than 3 inches in diameter and shall be covered with crushed rock or washed stone connected to a proper drain tile receiver or a properly functioning existing system. Bleeders shall be open and functioning if present.

c. As an alternative to par. a or b, repairs shall be in accordance with the requirements of the best management standards for foundation repair, dated January 8, 2008, adopted by the building inspectors association of southeastern Wisconsin.

For legislative history of chapter 240, contact the Municipal Research Library.

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