

TITLE 13

Building Code

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CHAPTER 1

Building, Plumbing, Electrical And Heating and Ventilation Code

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SEC. 13-1-1 BUILDING CODE ESTABLISHED.

- (a) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings

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- and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (b) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the City, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. An existing building shall be considered a "new building" for the purposes of this Chapter whenever its use or purpose changes after the enactment of this Chapter. The provisions of this Chapter supplement, but do not supercede the laws of the State of Wisconsin pertaining to construction and the Zoning Code of the city.

SEC. 13-1-2 BUILDING PERMITS AND INSPECTION.

- (a) **Permit Required.**
- (1) General Permit Requirement. Except as otherwise provided herein, no building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished razed or used within the City, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Clerk-Treasurer. The following are exempt from this general permit requirement:
- a) Any addition to or alteration of a building that does not exceed a cost of \$30,000;
 - b) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector except as restricted by sub.(2) below; and

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- c) Re-siding, re-roofing, and finishing of interior surfaces and installation of cabinetry.
- (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
- a. Alterations. Except as otherwise provided, alterations to any existing building or structure of substandard type or construction, which involves beams, girders, columns, load-bearing or other walls, heating and air conditioning systems, light and ventilation, changes in the location of exit stairways or exits, shall be made to conform to the minimum requirements of this Chapter applicable to its occupancy, use and given type of construction.
 - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or which do not affect light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
 - c. Alterations When Not Permitted. When any existing building or structure, which, has deteriorated to an extent that greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
 - d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to

public safety and shall be vacated and thereafter no further occupancy of use of the same shall be permitted until the regulations of this Chapter are complied with.

- e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector of Fire Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Clerk-Treasurer and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Clerk-Treasurer may require. The building permit fee shall accompany the application.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Common Council, upon the recommendation of the Plan Commission.
- (d) **Utilities Required.**
 - (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required if such services are available.
 - (2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is required.
 - (3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

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- (e) **Plans.** With the application, there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall remain on file in the office of the Clerk-Treasurer. All plans and specifications shall be signed by the designer.
- (f) **Waiver of Plans; Minor Repairs.**
- (1) 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 of moving.
 - (2) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditions systems installed therein valued at less than Five Hundred Dollars (\$500.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, 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 or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (h) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.
- (i) **Revocation of Permits.**
- (1) The Common Council, or its designee, may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Common Council, or its designee, shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Common Council, or its designee, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Common Council, or its designee, of the use of all new materials, equipment, methods or construction devices or appliances.
 - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises

and his agent, if any, and on the person having charge of construction.

- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Common Council, or its designee.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Common Council may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (j) **Report of Violations.** The police or other City officers shall report at once to the Common Council any building which is being carried on without a permit as required by this Chapter.
- (k) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SEC. 13-1-3 STATE UNIFORM DWELLING CODE ADOPTED

- (a) **Scope.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.
- (b) **Wisconsin Uniform Dwelling Code Adopted.** The Wisconsin Uniform Dwelling Code, Chapters Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- (c) **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

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Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

SEC. 13-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

- (a) **Portions of State Building Code Adopted.** Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Clerk-Treasurer.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and ILHR 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the City. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) Wis. Adm. Code ILHR 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector and/or the Common Council, the provisions of the State Building Code adopted by Subsection (1) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their

application to any proposed building or structure, the Inspector and/or the City shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SEC. 13-1-5 NEW METHODS AND MATERIALS.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures, covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions or use established by the State Department of Industry, Labor and Human Relations. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

SEC. 13-1-6 UNSAFE BUILDINGS.

Whenever the Common Council find any building or part thereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they 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 proceeding shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 13-1-7 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the City. The inspections and the reports and findings issued after the

inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections:

"These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials no specifically cited herein is expressed or implied."

SEC. 13-1-8 GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

SEC. 13-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- (a) No building within the City of Thorp shall be razed without a permit from the Public Works Director. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Common Council.
- (b) All debris must be hauled away at the end of each day from the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building unless the owner or contractor obtains a Burning Permit from the Fire Chief and complies with all of the conditions

- of said permit. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.
- (c) The permittee shall comply with all State and Federal laws and regulations regarding the removal and disposal of asbestos or asbestos containing materials.

SEC. 13-1-10 BASEMENTS; EXCAVATIONS.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Common Council shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make

publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Common Council shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

SEC. 13-1-11 DISCHARGE OF CLEAR WATERS.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collection, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground aqueduct leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of

collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well an underground aqueduct leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Common Council or its designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code, as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable time, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

SEC. 13-1-12 DUPLEX SERVICE CONNECTIONS.

Each unit of a duplex shall have a separate water and sewer services.

SEC. 13-1-13 REGULATIONS FOR MOVING BUILDINGS.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the City without first obtaining a permit therefor from the Public Works Director and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operation shall be continued.
 - (2) A report shall be made by the Director of Public Works with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Director of Public Works, shall be paid to the

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Clerk-Treasurer prior to issuance of the moving permit.

- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Director of Public Works and the Chief of Police.
- (b) **Continuous Movement.** The movement of buildings shall be continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Director of Public Works who shall thereupon in the company of the Chief of Police inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Bond.**
- (1) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City of Thorp in a sum to be fixed by the Clerk-Treasurer and which shall not be less than Five Thousand Dollars (\$5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Mayor or designated agent conditioned upon other things, the indemnification to the City for any costs or expenses incurred by it in connection with any

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claims for damages to any persons or property,
and the payment of any judgment together with the
costs and expenses incurred by the City in
connection therewith arising out of the removal
of the building for which the permit is issued.

- (2) The bond required by Subsection (d)(1) shall be
conditioned upon the permittee erecting adequate
barriers around any excavation caused by the
removal of a building and conditioned upon the
permittee filling in such excavation within a
reasonable period of time.

- (e) **Insurance.** The City shall require the permittee to
obtain public liability insurance covering injury to
one (1) person in the sum of not less than One Hundred
Thousand Dollars (\$100,000.00) and for one (1)
accident in a sum not less than Two Hundred Thousand
Dollars (\$200,000.00), together with property damage
insurance in a sum not less than Fifty Thousand
Dollars (\$50,000.00).

SEC. 13-1-14 FEES.

The fees for building permits under this Chapter shall be
as established by resolution of the Common Council.

13-1-15 SEVERABILITY.

If any section, clause, provision or portion of this
chapter, or of the Wisconsin Administrative Code adopted by
reference, is adjudged unconstitutional or invalid by a
court of competent jurisdiction, the remaining provisions
shall not be affected.

SEC. 13-1-16 PENALTIES AND VIOLATIONS.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The City officials shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. ILHR 20.10(1)(c), Wis. Adm. Code or unless the Adm. Code provides for a shorter period.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice to the Common Council after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Forfeitures shall be \$50.00 for each day of noncompliance

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- after thirty (30) day written notice period has run and \$500.00 for each violation.
- (4) Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (5) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector in administering this Chapter may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Thorp charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative to the City until the final determination of the proceedings therein.