

## **202.1 Building & Mechanical Code Ordinances**

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### **SECTION I - AUTHORITY**

These regulations are adopted under the statutory authority granted pursuant to Wisconsin Statutes Sections 101.65 and 101.76 and by its adoption of Village powers under Wisconsin Statutes Sections 60.10(2)(c), 60.22(3), 61.34(1).

### **SECTION II – PURPOSE**

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and to establish uniform building guidelines and inspection procedures.

### **SECTION III – DEFINITIONS**

As used in this Chapter, the following terms have the meaning prescribed herein. Any term not defined herein shall follow the Wisconsin Administrative Code definitions.

- A. **Building.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds, agricultural accessory structures, or fences under 8 feet tall.
- B. **Accessory Building.** A building or portion of a building subordinate to a principal building, and not attached to it, and used for a purpose customarily incident to the permitted use of the principal building.

- C. Construction. Any part of the activity of installing, locating, siting, erecting or raising a building or a portion of a building.
- D. Contractor. Any person, firm or entity which undertakes for remuneration any activity related to the construction of a building other than the mere provision of supplies, materials.
- E. Department. The State of Wisconsin, Department of Commerce.
- F. Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- G. Fence. A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails, but may also be of masonry, brick or stone in the form of a wall, but which is not part of a building.
- H. Garage, Private. A private garage is a structure designed primarily for storage of private vehicles and wherein such storage of vehicles is accessory to residential use of the property. A carport is considered a private residential garage.
- I. Garage, Public. Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.
- J. HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- K. Occupancy. The act of utilizing a building for human habitation or use, or any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- L. Owner. The individual, firm or entity which has record title to a parcel of real estate.
- M. Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- N. Minor Repairs. Construction for purposes of maintenance or replacements in any existing building or structure which does not involve the structural portions of the building or structure, or which does not affect room arrangement, light and ventilation, access to or deficiency of any exit stairways or exits, fire protection, and which does not involve alterations or additions to existing mechanical systems serving the building and which does not increase a given occupancy and use, shall be deemed minor repairs.
- O. Stop work order. A written directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on a construction project until work that is out of compliance with this code has been corrected.

#### **SECTION IV – SCOPE**

The Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and residential accessory buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures and agricultural structures.

## **SECTION V- PERMIT REQUIRED**

- A. Except as otherwise provided herein, no owner or contractor may commence construction of any building, portion of a building, or mechanical system prior to obtaining a valid permit from the municipal building inspector.
- B. The construction which shall require a building permit includes, but is not limited to:
  - 1. New buildings including detached structures, decks, and accessory buildings over 32 square feet in floor area.
  - 2. Residential pole sheds.
  - 3. Additions that increase the physical dimensions of a building including decks.
  - 4. Alterations to the building structure, cost shall include market labor value.
  - 5. Alteration of plumbing, HVAC or electrical systems.
  - 6. Any electrical wiring for new construction or remodeling including farm building, except for the installation, repair, or maintenance of electrical wiring within an existing industrial facility or an existing manufacturing facility unless the plan for the installation, repair, or maintenance is required to be examined by the department or by the municipality that has its examinations accepted by the department.
  - 7. Any HVAC for new construction or remodeling.
  - 8. Any plumbing for new construction or remodeling.
  - 9. Agricultural buildings, Administrative permit only, no inspections.
- C. The following construction activities shall not require a building permit:
  - 1. Re-siding, re-roofing and finishing of interior surfaces, replacement of windows, installation of cabinetry and minor repairs. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
  - 2. Normal repairs and replacements of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, dimmers, furnace, air conditioning, garbage disposal, water heater and water softener.
  - 3. Construction of accessory buildings of less than 32 square feet in floor area and not served by any utility, excluding telephone.
  - 4. Fences under 8 feet tall.

## **SECTION VI – ADOPTION OF CODES**

- A. The following Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

SPS Chapter 5	Credentials
SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 361-366 & 375-379	Commercial Building
SPS 381-387	Uniform Plumbing Code

- B. Any local building codes or requirements other than those contained herein are repealed.
- C. Any future amendments, revisions and modifications of said Chapters incorporated herein are intended to be made a part of this code.

### **SECTION VII – SCOPE OF UNIFORM DWELLING CODE EXPANDED**

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- A. Additions, alterations and repairs other than minor repairs for one and two family dwellings built prior to June 1, 1980.
- B. Detached garages greater than 200 sq. ft. serving one and two family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than 4 inches in thickness. Reinforcement shall be a minimum of six by 6 x 6 inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, 8 inches wide and 8 inches below the top of the slab. Exempted are "frost free footings" for detached residential accessory buildings.
- C. With respect to other accessory buildings, concrete slabs, frostfree footings, and the like are not required, but if they are installed they shall follow (B) above.

### **SECTION VIII – CERTIFIED MUNICIPALITY STATUS**

The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

### **SECTION IX – BUILDING – HVAC – ELECTRICAL – PLUMBING INSPECTOR**

- A. Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be hired by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS Chapter 5, Wisconsin Administration Code
- B. Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS Chapter 5, Wisconsin Administration Code, by the Department.
- C. Duties. The Building Inspector shall administer and enforce all provisions of the ordinance.
- D. Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any Public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Wisconsin Statute 66.0119.
- E. Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time

frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

1. Footing
  2. Foundation
  3. Rough Carpentry, HVAC, Electric and Plumbing
  4. Drainage/Basement Floor
  5. Underfloor plumbing
  6. Electric Service
  7. Insulation
  8. Final Carpentry, HVAC, Electric and Plumbing
  9. Erosion Control
- F. Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- G. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, is the responsibility of the contractor and/or property owner.
- H. Records. The Building Inspector shall perform all administrative task required by the Department under all codes. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. .

#### **SECTION X – SUBMISSION OF PLANS**

The owner or contractor shall, with respect to any proposed construction, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector for any other work for which a building permit is required. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

#### **SECTION XI – ISSUANCE OF PERMIT**

- A. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. No building permit will be issued until the Town has issued a permit to construct a driveway the entire distance from a public road to the building site. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees.
- B. By accepting a permit, the applicant, owner or contractor grants the Building Inspector, the right of access to the real estate on which the permitted construction will occur.
- C. Permits are issued on the condition that the owner and/or contractor(s) shall conform to the requirements to all applicable codes, zoning ordinances and setback requirements in constructing the building.

- D. In the case of a required fence, permit, the Building Inspector shall issue the requested permit provided the owner or contractor demonstrates that the proposed fence will not create a private nuisance, contrary to Wisconsin Statutes Section 844.10.

## **SECTION XII – OCCUPANCY PERMIT**

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with all applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

## **SECTION XIII – UNSAFE BUILDINGS**

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, such structure may be repaired at the owners's option. Such orders and proceedings shall be as provided in Wisconsin Statutes Section 66.0413.

## **SECTION XIV – EXTERIOR FINISH REQUIRED**

All buildings shall have a weather-resistant, uniform exterior finish. Tar paper or similar material is not acceptable.

## **SECTION XV – FENCES OVER EIGHT FEET TALL**

- A. No fence over 8 feet tall shall be erected, and no fence modified to result in a fence over 8 feet tall, regardless of prior height, until a permit has been applied for and issued by the Building Inspector for such construction. Such permit shall require the entire fence to be brought into compliance with this Section, even as to any pre-existing unmodified portions. A scaled site plan drawing must accompany the permit application, and if the fence may pose a problem with respect to wind load, the Building Inspector may require engineering plans and calculations demonstrating the structure will not be compromised by high winds. The height of the fence shall include any retaining wall within 4 feet of the fenceline.
- B. Any fence over 8 feet tall shall be constructed in such a manner that the "finish side" of the fence faces neighboring property. The "finish side" shall be defined as the side of the fence without support posts, brackets, lateral supports, etc.
- C. No fence shall be permitted at a height over 8 feet tall unless its height serves a reasonable purpose and does not significantly alter light and shadow on adjoining property. An example of a reasonable purpose for a taller fence would be a chain link tennis court enclosure, or a baseball diamond backstop.
- D. If the Building Inspector has reason to believe the fence or its modification is of a height or character that would annoy the adjoining neighbors or is being requested for that purpose, the Building Inspector shall advise the Clerk, who shall contact the such neighbors for comment, before issuance of the permit.

## **SECTION XVI – VIOLATIONS AND PENALTIES**

- A. Prohibition. No person, entity, or firm may construct, remodel, or repair any building in a manner which violates any provision or provisions of this ordinance.
- B. Every person, firm or entity which violates this code shall forfeit not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance, together with the costs of prosecution.
- C. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- D. Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

## **SECTION XVII – STOP WORK ORDER**

The Building Inspector may issue a stop work order for a project to prevent continuance of non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued except for the purpose of rectifying the non-complying work. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the building or driveway codes.

## **SECTION XVIII - VARIANCE**

The Town Board shall hear requests for variances from the building code to the extent the Town has authority to hear and grant variances. A request for variance shall be in writing delivered to the Town Clerk. The Town Board shall approve, conditionally approve, or deny a requested variance. The Town Board may grant a variance from a code requirement only if the variance is permitted by state law and if performance of the proposed variance will cause no threat to the health or safety of those affected thereby.

## **SECTION XIX - APPEALS**

Any person aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules Chapter SPS 320.

## **SECTION XX – DISCLAIMER AND NON-LIABILITY FOR DAMAGES**

This ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

## **SECTION XXI – FEES AND FEE SCHEDULE**

Prior to issuance of the building permit, the applicant shall pay fees as established periodically by the Municipality. If work commences before the permit is issued, the permit fee shall double. The fees are as set forth in the attached exhibit, which exhibit is incorporated herein by this reference, and any other fees which may be specifically designated by State Statute of Town ordinance.

**SECTION XXII – SEVERABILITY**

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION XXIII – EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 18<sup>th</sup> day of November, 2019

Published: November 28, 2019

Posted: November 19, 2019

Brenda Kahl, Clerk/Treasurer

David Evert, Supervisor

Joe Kruchten, Supervisor

Anthony Varda, Chairperson

Michael Statz, Supervisor

Duane Haag, Supervisor