

Chapter 10

BUILDING AND MECHANICAL CODE

Sec. 10-1 Authority.

These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.

Sec. 10-2 Purpose.

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

Sec. 10-3 Definitions.

Definitions. As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

A) *"Building"* means 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 or agricultural accessory buildings.

B) *"Building Inspector"* means the individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.

C) *"Construction"* means any part or portion of the activity of installing, locating, siting, erecting or raising a building.

D) *"Contractor"* means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.

E) *"Demolition"* means the activity of completely or partially destroying a previously erected or constructed building.

F) *"Electrical"* means 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) *"Garage, Private"* means a private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.

H) "*Garage, Public*" means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold or stored for monetary gain as a business.

I) "*HVAC*" means 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.

J) "*Occupancy*" means the act of utilizing a building for human habitation, use, or occupancy. 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.

K) "*Owner*" means the individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

L) "*Plumbing*" means 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.

M) "*Repairs*" means repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

N) "*Stop work order*" means A 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 the construction project until the building inspector has authorized the resumption of the construction project.

Sec. 10-4 Scope.

This Code applies to all 1 & 2 family dwellings, commercial buildings/structures, swimming pools, or decks. Notwithstanding this section, this ordinance shall not apply to children's play structures.

Sec. 10-5 Permit Required.

A) No owner or contractor may commence construction of any 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 residential buildings.
- 2) Additions that increase the physical dimensions of a building including decks.
- 3) Alterations to the building structure, building's heating, electrical or plumbing systems.
- 4) Alteration of plumbing, venting, electrical or gas supply systems.
- 5) Any electrical wiring for new construction or remodeling.
- 6) Any HVAC for new construction or remodeling.
- 7) Any plumbing for new construction or remodeling.
- 8) The installation of swimming pools, above ground or inground.

C) The following construction activities shall not require a building permit:

- 1) Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. 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 of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, and dimmers.

Sec. 10-6 Adoption of State Codes.

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

Ch. COMM 2.31	Plan Review Fee Schedule
Ch. COMM 5	Credentials
Chs. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 61-65	Commercial Building Code
Ch. COMM 70	Historic Building Code
Chs. COMM 75-79	Existing Building Code
Chs. COMM 81-87	Uniform Plumbing Code

Sec. 10-7 Scope of Uniform Dwelling Code Expanded.

A) 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:

- 1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.

Sec. 10-08 Certified Municipality Status.

A) **Certified Municipality.** The Town has adopted the Certified Municipality Status as described in COMM 61.70 of the Wisconsin Administrative Code.

- 1) **Responsibilities.** The Town shall assume the following responsibilities for the Department of Commerce (Department):
 - a) Provide inspection of commercial buildings with certified commercial building inspectors.
 - b) Provide plan examination of commercial buildings with certified commercial building inspectors.

B) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

- 1) A new building or structure containing less than 50,000 cubic feet of total volume.
- 2) An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
- 3) An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
- 4) An alteration of a space involving less than 100,000 cubic feet of total volume.
- 5) A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
- 6) The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

C) **Plan Submission Procedures.** All commercial buildings, structures and alterations require plan submission as follows:

- 1) Building permit application
- 2) Application for review – SBD-118
 - a) Fees per Table 2.31-2 and COMM 2.31
 - b) Fees apply to all commercial projects
- 3) 4 sets of plans
- 4) Signed and sealed per COMM 61.31
- 5) (1) set of specifications
- 6) Component and system plans
- 7) Calculations showing code compliance

Sec. 10-9 Building-HVAC-Electrical-Plumbing Inspector.

A) *Creation and Appointment.* There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under COMM 5, Wisconsin Adm. 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 COMM 5, Wisconsin Adm. Code, by the Department.

C) *Duties.* The Building Inspector shall administer and enforce all provisions of this ordinance.

- 1) *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 Section 66.122, Stats.

- 2) *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.
 - a) Footing
 - b) Foundation
 - c) Rough Carpentry, HVAC, Electric and Plumbing
 - d) Driantile/Basement Floor
 - e) Underfloor Plumbing
 - f) Electric Service
 - g) Insulation
 - h) Final Carpentry, HVAC, Electric & Plumbing
 - i) Erosion Control
- 3) 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.
- 4) 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, will be the responsibility of the contractor and/or property owner.
- 5) *Records.* The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 1-1-06. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.
 - a) Submission of Plans
 - b) The owner or contractor shall, with respect to any proposed construction or demolition, 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. 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 or demolition project 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.

Sec. 10-11 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. 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 or demolition will occur.
- C) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

Sec. 10-12 Occupancy Permit Required.

If no non-compliances are found by the Building Inspector, the Inspector shall issue an occupancy permit. If minor non-compliances, (other than health or safety items) are in existence, the Inspector may issue a temporary occupancy permit for a specific term, typically 30 days or less. Occupancy may not be taken until an occupancy permit is issued.

Sec. 10-13 Ditch, Driveway, and Occupancy Bond.

A) *Deposit Required.* No building permit shall be issued by the Building Inspector for construction of a building with a fair market value of \$30,000 or greater on any land adjacent to a public street until a deposit has been made by the applicant for such a building permit. Deposit amounts are as follows: Value of \$30,000. to \$100,000. will require a deposit of \$500. Value of >\$100,000 will require a deposit of \$1,000. The deposit shall be made to the Building Inspector at the time an application is made for issuance of the building permit. The sums deposited shall be retained by the Town until after permanent landscaping of the street yard and completion of the driveway are inspected and have final approval of compliance.

B) *Non-Compliance.*

- 1) If an inspection reveals a noncompliance with this Section, Section 6 Driveways, Section 18 Greater Heights Zoning, or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to 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. COMM. 20.10(1)(c), Wis. Adm. Code.
- 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 of the building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

- 3) Each day a violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Section or the Uniform Dwelling Code._
- 4) If any construction or work governed by the provisions of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- 5) A citation may be issued for the violation for each and every day the violation continues following the general penalty section the Municipal code._

Sec. 10-14 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, unsanitary 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, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413, Wis. Stats.

Sec. 10-15 Razing and Demolition.

A) *Demolition Permit Required.* No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.

B) *Application.* An application for a permit to demolish all or part of a building shall include the following information:

- 1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- 2) The name, address and telephone number of the contractor(s) performing the demolition work;
- 3) The date upon which demolition is to commence;
- 4) The date by which demolition shall be complete;
- 5) A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 706, Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Sec. NR 445, Wisconsin Administrative Code), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
- 6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
- 7) A description of the method of demolition to be used; and

- 8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
- 9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

C) *Demolition.* The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

1) Clearing and Leveling The Site.

- a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.
 - b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.
 - c) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the 72 hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the municipality provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.
- 2) Removal and Disposal. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

Sec. 10-16 Swimming Pools.

A) *Private Swimming Pools.* No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the Town except in accordance with the regulations of this section.

B) *Definitions.* The term private swimming pool is defined as a receptacle for water, or an artificial pool of water, having at any point of more than two feet, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, bathing or swimming, and includes all appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 260 square feet in area

and four feet in depth, which are dismantled and removed for the winter, are not included in this Section.

C) *Permit.* No person shall construct, install, enlarge or alter any private swimming pool unless permits have first been obtained from the Building Inspector. Application shall be on forms provided by the Building Inspector, and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons, location and type of water waste disposal system, location of pool on lot and distance from lot lines, fencing and landscaping plan or a combination thereof and location of power lines overhead and/or underground.

D) *Construction of Pool.* A private swimming pool shall be constructed in accordance with the following requirements:

- 1) The pool shall not be nearer than 10 feet to any residence or to an overhead electrical wire.
- 2) The pool must be completely fenced before filling, by a fence or wall not less than 3(00ab) feet in height, constructed of a minimum number 9 gauge woven wire mesh, corrosion-resistant material, or enclosed wooded fence approved by the Building Inspector. All gates shall be equipped with a self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant and shall be set in concrete bases. A pool erected on top of the ground before filling shall have the poll construction completely and adequately screened from the view of abutting properties by means of a solid fence of redwood, basket-weave, landscaping, or a combination of thereof, or other material approved as equivalent by the Building Inspector.
- 3) Above ground pools with self-providing fencing or pool wall height of at least 3(00ab) feet to prevent unguarded entry will be allowed without separate additional fencing provide the self-provided fence or wall height is of a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.
- 4) No direct connection shall be made to the sanitary sewer or septic system.
- 5) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
- 6) There shall be an unobstructed concrete areaway around the entire pool of at least 3 feet on in-ground pools.
- 7) There shall be an unobstructed areaway around the entire pool of at least 3 feet on above-ground pools.
- 8) Heating units, pumps, and filer equipment shall in no case be less than 20 feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation.

Sec. 10-17 Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuance, the permit fee shall double.

Sec. 10-18 Violations and Penalties.

- A) *Prohibition.* No person, entity, or firm may construct, remodel, demolish 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, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, 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. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Sec. 10-19 Stop Work Order.

The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that 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 State building codes.

Sec. 10-20 Variance.

The Municipality shall hear requests for variances from the building code to the extent the municipality has authority to hear and grant variances. The municipality shall approve, conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

Sec. 10-21 Appeals.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality 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 COMM 20.21.

Sec. 10-22 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.

Sec. 10-23 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.

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