

CHAPTER 14
BUILDING CODE

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14.01 AUTHORITY. This code is adopted pursuant to §§101.65, 101.651, 101.76, 101.761, 60.10(2)(c), 60.22(3) and 61.34(1), Wis. Stats.

14.02 PURPOSE. The purpose of this code is to promote the health, safety and general welfare of the Town, to protect property values and to provide for orderly, appropriate development and growth of the Town.

14.03 SCOPE. This code applies to all dwellings, commercial buildings, structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings, except it shall not apply to children's play structures.

14.04 PERMITS REQUIRED. (1) **DRIVEWAY PERMIT.** A driveway permit shall be issued by the Town Board prior to obtaining a building permit. No building permit shall be issued until the culvert and gravel have been installed in accordance with the private drive, private road or Town road permit.

(2) **BUILDING PERMIT.** No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Building Inspector.

(a) The construction which shall require a building or mechanical permit shall include, but is not limited to:

1. New buildings, detached structures (decks) and detached accessory buildings over 32 square feet.
2. Additions that increase the physical dimensions of a building, including decks.
3. Alterations to the building structure cost shall include market labor value or alterations to the building's heating, electrical or plumbing systems, and residing.
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. For agricultural buildings, administrative fee at minimum fee and mechanicals at line item fee amount.
9. Changing roof line, dormers or third layer of shingles.

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

1. Reroofing 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 reroofing a building if the proposed reroofing would constitute a third or more layer of roofing.

2. Replacement of major building equipment including furnaces, central air conditioners, water heaters and any other major piece of equipment.

3. Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers. Replacement of windows that do not change the supporting structure around the window frame.

14.05 ADOPTION OF CODES. The following chapters of the Wisconsin Administrative Codes are hereby adopted by reference and shall be enforced by the Building Inspector.

COMM 5	Credentials
COMM 16 and 17	Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
COMM 66	Uniform Multi-family Code
COMM 69	Barrier-Free Design
COMM 70	Historic Building Code
COMM 75-79	Existing Building Code
COMM 82-87	Uniform Plumbing Code

14.06 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR. (1) CERTIFIED MUNICIPALITY STATUS. The Town has adopted the Certified Municipality Status as described in Wis. Adm. Code COMM 50.21.

(2) APPOINTMENT. See sec. 1.03 of this Code. The Building Inspector shall be certified for inspection purposes by the Department of Commerce pursuant to Wis. Adm. Code COMM 5.

(3) SUBORDINATES. The Building Inspector may employ, assign or appoint, as necessary, subordinate mechanical inspectors. Any subordinate hired to inspect buildings shall be certified under Wis. Adm. Code COMM 5.

(4) DUTIES. The Building Inspector shall administer and enforce all provisions of this chapter.

(5) 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 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 agent while in the performance of his duties. In the event that the Inspector is refused access to any such premises, the Inspector is authorized to apply for a special inspection warrant pursuant to §66.0119, Wis. Stats.

(6) 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, electrical and plumbing
- (d) Drain tile/basement floor
- (e) Under floor plumbing
- (f) Electrical service
- (g) Insulation
- (h) Final carpentry, HVAC, electrical and plumbing
- (i) Erosion control

(7) **FAILURE TO REQUEST INSPECTIONS.** Failure to request any inspection shall 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.

(8) **EXPENSE OF UNCOVERING WORK.** The expense of uncovering or posing 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.

(9) **RECORDS.** The Building Inspector shall perform all administrative tasks required by the Department. In addition the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

14.07 SUBMISSION OF PLANS. The owner or contractor shall, with respect to any proposed construction or demolition, submit 2 sets of building plans to the Building 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, a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. The Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Inspector determines that it is necessary to review such plans to assure that the proposed project shall comply with all applicable codes.

14.08 ISSUANCE OF PERMIT. (1) POSTING; VALIDITY. The Building 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 2 years. Permits may be extended for 30, 90 or up to 180 days with the Inspector's approval and payment of permit fees.

(2) **INSPECTION.** 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.

(3) **COMPLIANCE.** Permits are issued conditionally on the condition that the owner and/or contractor shall conform to the requirements of all applicable codes, the zoning code and setback requirements in constructing the building.

14.09 OCCUPANCY PERMIT. If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, the Inspector shall issue an occupancy permit. The Town does not issue temporary occupancy permits. No person may have occupancy of a building until an occupancy permit is issued.

14.10 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 comply with the provisions of §66.0413(l)(i), Wis. Stats.

14.11 RAZING AND DEMOLITION. (1) DEMOLITION PERMIT REQUIRED. No person 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 may undertake any steps to demolish the structure prior to receiving a permit.

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

(a) The name and address of the owner of the building on the date of application and, if different, on the date of demolition.

(b) The name, address and telephone number of the contractor performing the demolition work.

(c) The date upon which demolition is to commence.

(d) The date by which demolition shall be complete.

(e) A list of all hazardous waste and hazardous and toxic substances, as defined by Wis. Adm. Code NR 158.03(4), contained in the building, a statement as to whether the building contains asbestos, as defined by Wis. Adm. Code NR 445.02(2), 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.

(f) A detailed description of how and where the waste materials resulting from the demolition shall be transported and disposed of, including the route to be used by trucks in hauling the waste.

(g) A description of the method of demolition to be used.

(h) 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.

(i) 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.

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

(4) **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 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 Inspector to conduct an inspection within the 72 hours after written notice, the permit holder or 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 Town provided that a written copy of the opinion is delivered to the Town Clerk at least 48 hours before filling of the excavation commences.

(5) **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 Inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances and asbestos.

14.12 MOVING BUILDINGS. (1) PERMIT REQUIRED. No person shall move any building over 400 square feet, except agricultural use buildings, into or within the Town without a permit from the Building Inspector upon 30 days' notice.

(2) **APPLICATION, FEE.** Application for a permit shall be made on a form provided by the Building Inspector. The applicant shall pay the required fee and shall supply the Inspector with the proposed moving route, plans and any other information required by the Town Board.

(3) **BOND REQUIRED.** Before a permit is issued, the applicant shall deposit with the Town Clerk a corporate surety bond, approved by the Town Attorney, in the amount of \$10,000, conditioned that the applicant shall save the Town harmless from any liability arising out of the move and shall restore any street damaged by the move.

(4) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the Town Clerk a certificate of insurance evidencing that the applicant has, in force and will maintain during the term of the permit, public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(5) **COMPLIANCE WITH BUILDING AND ZONING CODES REQUIRED.** No moving permit shall be issued by the Town Board until the Building Inspector has reviewed and issued all permits required under this chapter and the Dane County Zoning Ordinance.

(6) **NOTICE TO UTILITIES.** Prior to the issuance of said permit, the applicant shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the applicant the cost thereof.

(7) **TIMELINESS OF MOVE.** Once the move has commenced, the permittee shall complete the move as soon as conveniently may be.

(8) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every permittee shall, within one day after reaching his destination, report that fact to the Building Inspector. The Inspector shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of the building has caused any damage to the streets or highways, the permittee shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the building mover to do so within 10 days thereafter to the satisfaction of the Inspector, the Town shall repair the damage done to such streets and highways and hold the sureties of the bond given by the permittee responsible for the payment of the same.

14.13 FEES. Whenever a building permit is issued application issuance, the applicant shall pay fees as established periodically by the Town Board. The fee schedule is on file in the office of the Town Clerk. If work commences prior to permit issuance, the fee shall be doubled.

14.14 STOP WORK ORDER. The Building Inspector may issue a stop work order for a project to prevent further noncomplying work. No person may continue a construction project after a stop work order has been issued. The person who receives such a stop work order may contest the validity of the same by requesting a hearing before the Town Board. The Board shall hear the appeal within 7 days. The Board shall affirm the stop work order unless the owner or contractor shows that the Inspector erred in determining that the construction project violated a provision of provisions of this chapter.

14.15 VARIANCE. The Town Board shall hear requests for variances from this code to the extent the Town has authority to hear and grant variances. The Board shall approve, conditionally approve or deny a requested variance. The Board 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.

14.16 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 Board shall follow procedures provided in Ch. 68, Wis. Stats. and ch. 6 of this Code to arrive at a final determination. Final determinations may be reviewed as provided in Wis. Adm. Code COMM 20.21.

14.17 DISCLAIMER AND NONLIABILITY FOR DAMAGES. This chapter shall not be construed as an assumption of liability by the Town or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

14.25 VIOLATIONS AND PENALTIES. (1) **PROHIBITION.** No person may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this chapter.

(2) Every person who violates this code shall, upon conviction, forfeit not less than \$25 nor more than \$1,000 for each day of noncompliance, together with the cost of prosecution.

(3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if permitted by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Inspector.

(4) Compliance with the requirements of this code is necessary to promote the safety, health and well being of the Town and the owners, occupants and frequenters of buildings. Violations of this chapter shall constitute a public nuisance that may be enjoined in a civil action.