

# Chapter 8

## Building Regulations and Permits

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**8.01 AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

**8.02 PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

**8.03 SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980. Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (Intro.) so that equivalency is maintained to the intent of the rule being petitioned.

Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be handled by this municipality.

**8.04 WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, and its successors, 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.

**8.05 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 Professional Credential

Processing, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (**NOTE:** Contact the Division of Professional Credential Processing at (608)266-2112 for certification information.)

**8.06 BUILDING PERMIT REQUIRED.** A building permit shall first be obtained in the following cases:

- A new dwelling or an addition to an existing dwelling
- New decks which exceed 50 square feet or an addition which exceeds 50 square feet to an existing deck.
- New accessory buildings within the scope of this ordinance which exceed 300 square feet or additions to such buildings that exceed 300 square feet.
- Any structural changes or changes to mechanical systems that involve extensions or replacements.

8.06(a) The following are exempt from permit requirements:

- Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector.
- Re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry.
- Replacement of existing fixtures, systems or equipment, in the same location, with the equivalent fixture, system or equipment.

**8.07 BUILDING PERMIT FEE.** The building permit fees shall be determined by resolution and shall include the applicable fee per SPS 302 to be forwarded to the Wisconsin Department of Safety & Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

**8.08 PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 not more than \$1,000.00 for each day of noncompliance.

**8.09 EFFECTIVE DATE.** This ordinance shall be effective 5/1/2019 upon publication as provided by law.

**8.10 RECORD KEEPING.** The building inspector(s) shall keep a log of all inspections

**8.11 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.

**8.12 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 \$1000 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.

**8.13 STOP WORK ORDER.** The Building Inspector may issue a stop work order for a project to prevent further noncomplying 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 must 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.

**8.14 VARIANCE.** The Village Board of Appeals shall hear requests for variances from the building code to the extent the Village Board of Appeals has authority to hear and grant variances. The Village Board of Appeals 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.

**8.15 APPEALS.** Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Village 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.

**8.16 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.

**8.17 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.