

## CHAPTER 8 BUILDING REGULATIONS

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### 8.01 Uniform Dwelling Code Adopted as Town Building Code.

(1) Adopting. The Uniform Dwelling Code (UDC), also know as Chapters ILHR 20, 21, 22, 23, 24, and 25 of the Wisconsin Administrative Code, as amended and effective upon passage and publication of this ordinance, is hereby adopted by reference as the Town's Building Code. All subsequent amendments to Chapters ILHR 20 through 25, and any new UDC Chapters that may be added thereto, shall be automatically incorporated into this Town Building Code. The effective date of any such new material shall be the same as that adopted by the State.

(2) Expansion of Scope. In addition to the scope set forth at ILHR 20.02, the UDC shall also apply to the design, construction, repair, alteration, addition, demolition and moving of all building and structures.

(3) Conflict with Other Codes. If the scope or content of this Code conflicts with Chapters ILHR 50 through 64, State Building Code, or any other State or Federal code that may be applicable, the other Code shall apply, but only to the extent necessary to resolve the conflict.

8.02 Skipped

### 8.03 Building Permits.

(1) Permits Required. No building or structure, or any part thereof, shall hereafter be built, enlarged, repaired, altered or demolished within the Town or moved into, within or out of the Town except as hereinafter provided, unless permits shall be first obtained by the owner or owner's agent from the Town Clerk.

(2) Minor Project Exception to Permit Requirement. No person shall be required to obtain a building permit for any project of construction, repair, alteration, demolition or moving of a building or structure if the value of the project in its entirety does not exceed Five Hundred (\$500.) Dollars. The value of the work shall be determined by the Town Clerk on the basis of current costs for material and labor. The value of material or labor donated by the owner or others shall be included in the valuation.

(3) Application.

(a) Application for a building permit shall be made in writing upon a blank form to be furnished by the Town Clerk and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Town Clerk may require. With such application, there shall be submitted to the Town Clerk two (2) complete sets of plans and specifications, drawn to scale, unless waived by the Town Clerk. Applications for a new building or structure shall be accompanied by two (2) copies of a survey of the site, prepared by a registered surveyor that shows all existing improvements and the proposed building or structure. In cases other than a new building or structure, the Town Clerk may require a survey.

(b) Application for a building permit for public buildings, public structures and places of employment, as those terms are defined under Section 101.01 Wis. Stats., shall include proof of submission and approval of essential drawings, calculations, and specifications by the Department of Industry, Labor and Human Relations (DILHR) as required under Section 101.12, Wis. Stats. Proof of compliance may include a statement of examination from DILHR to the applicant.

(4) Issuance of Permit.

(a) If the Town Clerk finds that the proposed building will comply in every respect with this Code, other municipal ordinances, and all laws of the State of Wisconsin, and lawful of the State of Wisconsin, and lawful orders issued pursuant thereto, the Clerk shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves the safety of the building, except with the written consent of the Town Clerk filed with such application.

(b) In case adequate plans are presented, the Town Clerk has discretion to issue a permit for a part of a building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Town Clerk from thereafter requiring correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

(5) Revocation of Permits.

(a) The Town Clerk may revoke any permit issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

(i) Whenever there is a violation of any regulation of this Code or of any other ordinance, law or lawful orders of Wisconsin Statute relating to the same subject matter.

(ii) Whenever the continuance of any construction becomes dangerous to life or property.

(iii) Whenever there is any violation of any condition or provision of the application for permit or of the permit.

(iv) Whenever, in the opinion of the Town Clerk, there is inadequate supervision provided on the job site.

(v) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified lot or lot plan on which the issuance of the permit or approval was based.

(vi) Whenever there is a violation of any of the conditions of occupancy, or violation of any conditions of an approval given by the Town Clerk for use of any new material, equipment, method or construction, devices or appliances.

(b) The notice revoking a permit shall be in writing and may be served upon the applicant for the permit, owner of the premises or owner's agent, if any, and on the person having charge of construction.

(c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Town Clerk.

(d) 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 Code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with this ordinance.

(6) Fees. Before receiving a building permit, the owner or owner's agent shall pay the fees specified in 8.13. When the fee is based on valuation, the value of the work shall be determined by the Town Clerk on the basis of current costs for material and labor. The value of material or labor donated by the owner or others shall be included in the valuation.

8.04 Approved Plans.

(1) A card, signed by the Town Clerk, indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall

not be altered unless any proposed change is first approved by the Town Clerk as conforming to the provisions of the Code.

(2) The building permit shall become void unless operations are commenced within four (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of sixty (60) days. The period of time may be extended by the Town Clerk if the delay was due to conditions beyond the control of the applicant.

(3) Before any work is commenced or recommended after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within eighteen (18) months from the date of issuance of the permit.

#### 8.05 Regulation for Moving Building.

(1) General. No person shall move any buildings or structure upon any of the public right-of-ways of the Town without first obtaining a permit therefore from the Town Clerk and upon the payment of the required fee. Every such permit issued by the Town Clerk for the moving a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

(2) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in the case of moved buildings) fifty (50%) percent or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Town.

(3) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night, until such movement is fully completed. All of 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. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(4) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report the fact to the Town Clerk who shall thereupon, in the company of the municipal highway commissioner, inspect the streets and highways 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 whom the permit was issued shall promptly place them in 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 Town Board, the Town 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.

(5) Conformance with Code. No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Town clerk has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Town Clerk, and he shall make a finding of the fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside of the boundaries thereof, the provisions, with respect to furnishing of plans and specifications for proposed alterations to such building , may be disregarded.

(6) Bond. Before a permit is issued to move any building over any public way in this Town, the party applying therefore shall give a bond to the Town in the sum, to be fixed by the Town Clerk, and which shall not be less than the contract sum of Ten Thousand (\$10,000) Dollars, whichever is greater. Said bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body of designated agent conditioned upon, among other things, the indemnification of the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgement, together with the costs or expenses incurred by the Town in connection therewith, arising out of the removal of the building for which the permit is issued. The Board shall further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling such excavation or adopting and employing other means, devices or methods approved by the Town Clerk and reasonably adopted or calculated to prevent injury to persons or property. As an alternative to posting a surety bond, the applicant may post a deposit with the Town Clerk in the form of cash, certified check or cashier's check in the amount of Two Thousand Five Hundred (\$2,500) Dollars, or twenty-five (25%) percent of the contract sum, whichever is greater. The sum deposited shall be subject to the same requirements above that apply to a surety bond. The Town Clerk shall hold the sum deposited for at least one hundred twenty (120) days after completion of the work, or in the Clerk's discretion for a longer period until the Clerk is satisfied that street repair has been performed satisfactorily, and no persons intend to present claims for property damage or personal injury arising from the activities of the applicant.

#### 8.06 Razing of Buildings.

(1) The Town Clerk is hereby authorized to act for the Town under the provisions of Section 66.05 of the Wisconsin Statutes, relating to the razing of buildings and all acts amendatory thereof and supplementary thereof. The Town Treasurer is authorized to place the assessment and collect the special tax as therein provided.

(2) Before a building can be demolished or removed, the owner or agent shall notify all utilities having connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and

regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.

#### 8.07 Appeal to Town Board.

Any person aggrieved by any order or ruling of the Town Clerk may appeal from such ruling to the Town Board within twenty (20) days after written notice of such ruling shall have been delivered to such person. Such appeal is to be in writing, setting forth the order appealed from the respects in which said person aggrieved claims that said order or ruling is erroneous or illegal. Said notice of appeal shall be filed with the Town Chairman, and the appeal shall be heard at the next meeting of the Town Board. The Town Board shall affirm, reverse or modify the ruling as is just in the premises. The ruling order of the Town Clerk shall be enforced until changed by said Town Board.

#### 8.08 Stop-Work Order.

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or owner's representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed except by written notice of the Town Clerk after satisfactory evidence has been supplied that the violation has been corrected.

#### 8.09 Pre-existing Uses and Changed Uses.

##### (1) Use Discontinued; Grandfathering.

(a) Whenever any building or portion thereof is being used occupied contrary to the provisions of this Code, the Town Clerk shall order such use or occupancy discontinued and the building, or portion thereof, vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate the building or portion thereof within ten (10) days after receipt of the notice or make the building, or portion thereof, comply with the requirements of this Code.

(b) "Grandfathering." The provisions of (1)(a) above shall not apply to occupancies or uses in violation of this Code that were in existence prior to the Town's adoption of this Code, except that any grandfathered occupancy or use that is discontinued for a period of twelve (12) consecutive months may not be resumed without first meeting full compliance with this Code and other applicable ordinances.

(c) Any building, structure or premises, or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied.

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8.13 Schedule of Permit Fees

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<u>Category</u>	<u>Fees</u>
Residence – One Family or Two Family.	See Schedule
Residence – Apartments, Three-Family and over, Row Housings, Multiple Family Dwellings.	\$2.35 per 100 square feet or fraction thereof. \$30.00 Minimum.
Residence – Additions, accessory buildings, private Garages, breezeways.	\$2.00 per 100 square feet or fraction thereof. \$10.00 Minimum.
Local Business, institutional, and office buildings or additions thereof.	\$2.35 per 100 square feet or fraction thereof. \$30.00 Minimum.
Manufacturing and Industrial buildings or additions thereof.	\$1.50 per 100 square feet or fraction thereof. \$30.00 Minimum.
All other buildings, structures, alterations, siding, Repairs where square footage cannot be calculated.	\$4.00 per \$1000.00 valuation or Fraction thereof. \$10.00 Minimum.
Wrecking and Razing.	\$10.00 for all buildings up to 1200 square feet. \$20.00 for buildings over 1200 square feet.
Moving building over public ways.	\$20.00 plus \$1.50 per 100 square feet for principle buildings. \$3.00 plus \$1.50 per 100 square feet for accessory buildings. \$10.00 minimum.
Failure to obtain permit prior to commencement of work.	Double fees.
Fence and retaining walls	\$5.00

Note: No permit is required for minor projects under \$500.00 in value. See Section 8.03(b).