

CHAPTER 15¹

BUILDING REGULATIONS

Table of Contents

- 15.01 Application of Provisions
- 15.02 State Uniform Dwelling Code Adopted
- 15.03 Building Inspections
- 15.04 Building Permits
- 15.05 Fees for Building Permits
- 15.06 Violation and Penalties
- 15.07 Appeal to Board of Appeals
- 15.08 Liability for Damages
- 15.09 Contractor Financial Responsibility Certification
- 15.10 Severability

15.01 APPLICATION OF PROVISIONS.

(1) TITLE. This ordinance shall be known as the Municipal Building Code.

(2) PURPOSE. The purpose and intent of this ordinance is to:

(a) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Commerce to establish uniform construction standards and inspection procedures for one-family, two-family dwellings and manufactured dwellings;

(b) Establish and collect reasonable fees to defray administrative and enforcement costs; and

(c) Establish remedies and penalties for violations.

15.02 STATE UNIFORM DWELLING CODE ADOPTED.

The provisions describing and defining regulations with respect to one-family and two-family dwellings and manufactured dwellings set forth in Wisconsin Administrative Code, Sections COMM 20, 21, 22, 23, 24, and 25, the effective date of which is June 1, 1980, except Section COMM 22 which was effective December 1, 1978, and all amendments, revisions, or modifications thereto, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any future amendments, revisions, or modifications of the Administrative Code provisions incorporated herein are

¹ Created Chapter 15 June 14, 2000 by Ordinance 2 1999/2000.

intended to be made part of this ordinance to secure uniform statewide regulation of one-family and two-family dwellings and manufactured buildings for dwellings in the Town of Sheboygan Falls, Sheboygan County, Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

15.03 BUILDING INSPECTIONS.

(1) All inspections required under this Chapter and the Wisconsin Uniform Dwelling Code shall be performed by the Department of Commerce (hereinafter "Department"), or its designated agents, as provided in Wis. Stat. § 101.651(3)(b).

(2) It shall be the responsibility of the homeowner, or the homeowner's agent, to contact the Department to procure all required inspection services.

(3) No new one-family, two-family, manufactured dwellings, additions or structural alterations thereto, shall be used or occupied until it has been inspected, approved and proof of final inspection from the Department or its agent is provided to the Town Clerk establishing that no critical violations of the UDC or Town ordinances exist that could reasonably be expected to affect the health or safety of a person using the dwelling.

(4) In the event a building permit is issued for a lot within a subdivision having a Master Site Grading Plan, then the dwelling shall not be occupied until the Town engineer, at owner's expense, provides the Town Clerk with proof that the "as built" survey, as required by Section 14.25(a)(b) of the Town Code, establishes that the construction and final grade of the lot are in compliance with the applicable Master Site Grading Plan.

(5) Building inspections are not required for non-structural repairs or alterations requiring a building permit as provided by Section 15.04(2).

15.04 BUILDING PERMITS.

(1) BUILDING PERMITS REQUIRED. No one-family, two-family, or manufactured dwelling whose initial construction shall be commenced after the effective date of this ordinance shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Town Clerk, subject to review and approval by the Department or its agent. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Commerce.

(2) REPAIRS AND ADDITIONS REQUIRING PERMIT. No addition, alteration, or repair to an existing one-family, two-family, or manufactured dwelling with an initial construction date of January 1, 1980 or after not deemed to be minor repair by the

Town Clerk (\$1,00.00 or less) shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Town Clerk.

(3) SUBMISSION OF PLANS. The applicant shall submit two (2) sets of plans for all new one-family, two-family, or manufactured dwellings and any repairs or additions thereto, as required by Section 15.04(2) above, at the time that the building permit application is filed.

(4) ISSUANCE OF PERMIT. If the Town Clerk finds that the proposed building or repair or addition complies with all Town ordinances and upon proof from the Department of Commerce or its agent that the proposed building or repair or addition complies with the Uniform Dwelling Code, the Town Clerk shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Town Clerk.

15.05 FEES FOR BUILDING PERMITS.

A schedule of charges for building permits shall be developed by the Town Clerk and submitted to the Town Board for review and approval. After approval by the Town Board, the schedule of charges for building permits shall be maintained by the Town Clerk, and copies shall be provided to any person upon request.

15.06 VIOLATION AND PENALTIES.

(1) No person shall erect, use, occupy, or maintain any one-family, two-family or manufactured dwelling in violation of any provision of this ordinance or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than \$200.00, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.

(2) If an inspection reveals a noncompliance with this ordinance or the Uniform Dwelling Code, the Department, its designated agent, or the Town Clerk shall notify the applicant and the owner, in writing, of the violation(s) 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 Section COMM 20.10(1)(c), Wisconsin Administrative Code.

(3) 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 Department, its designated agent, or the Town

Clerk after satisfactory evidence has been supplied that the cited violation has been corrected.

(4) Each day each violation continues after the thirty- (30-) day written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the Department, its designated agent or the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the Uniform Dwelling Code.

(5) If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

15.07 APPEAL TO BOARD OF APPEALS.

Any person feeling aggrieved by an order or a determination of the Town Clerk may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

15.08 LIABILITY FOR DAMAGES.

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

15.09 CONTRACTOR FINANCIAL RESPONSIBILITY CERTIFICATION.

(1) No person may obtain a building permit unless the person annually obtains from the Department of Commerce a certificate of financial responsibility showing that the person is in compliance with sec. 101.654, Stats.

(2) Paragraph (1) of this subsection does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.

(3) The Town shall provide an owner who applies for a building permit with a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Wis. Stat. § 101.654 the following consequences might occur:

(a) The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

(b) The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two-family dwelling code or this ordinance because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

15.10 SEVERABILITY.

If any section, clause, provision, or portion of this ordinance or of Chapters COMM 20, 21, 22, 23, 24, and 25, Wisconsin Administrative Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected."

SCHEDULE OF CHARGES FOR BUILDING PERMITS, INSPECTIONS, AND SURVEYS. (Effective 9/1/07)²

1) NEW CONSTRUCTION

(a) One-Family and Two-Family Residence: A fee of \$1500.00, which shall include the following:

Building Permit Plan Examination
Inspection Fees (including general construction, energy, plumbing, heating and ventilation, and electrical inspection)
Occupancy Permit
State Permit Fee

(b) Residences – additions, accessory buildings, private garages, breezeways - \$2.35 per 1,000 square feet or fraction thereof, \$10.00 minimum.

(c) All other buildings, structures, alterations, siding, repairs where cubic contents cannot be calculated – \$4.00 per \$1,000.00 with minimum permit fee of \$10.00.

(d) Wrecking and razing – \$10.00 all buildings up to 1,200 square feet; \$20.00 buildings over 1,200 square feet.

(e) Failure to obtain permit prior to commencement of work – double fees.

2) PLUMBING PERMIT

² Resolution adopted September 10, 2007 by Resolution 1 2007/2008.

(a) New plumbing construction INCLUDED IN FEE.

(b) Other inspections:

\$25.00 minimum fee, plus \$1.00 per fixture, fixture outlet and each water connected appliance or appurtenance installed.

\$25.00 for each building sewer installed.

\$25.00 for each building drain installed.

\$25.00 for each building sewer or drain relayed.

\$25.00 for each inspection that is necessary to enforce ordered corrections.

3) ELECTRICAL PERMIT

(a) New electrical installation INCLUDED IN FEE.

(b) 1% of the total cost of electrical installation, subject to \$25.00 minimum fee.

4) HEATING AND VENTILATION

(a) New heating and ventilation installation INCLUDED IN FEE.

(b) Other:

Hot Water and Steam Systems:

Replacement boiler to existing pipes - \$25.00

Install additional radiation to existing system - \$25.00

Warm Air Heating Systems:

Replacement furnace to existing duct work - \$25.00

Install additional radiation to existing duct work - \$25.00

(c) Conversions:

Residential and commercial - \$25.00

(d) Oil and Gas Burner Assembly:

Replacement - \$25.00

(e) Unit Heaters:

All unit heaters, gas fire, steam or hot water supplied per unit - \$25.00

(f) Double Fees: Upon failure to file a complete permit application before starting work, the total fees shall be double the regular fees, except for emergencies.

5) SURVEY CHARGES

- (a) Set Culvert Elevations, Top of Building Foundation (Top of Block) and Benchmark Elevations - \$175.00
- (b) Foundation Height Adjustments
Any foundation adjustment greater than twelve inches (12") from the foundation elevation established by an applicable Master Site Grading Plan shall require Town Engineer/Surveyor review and approval - \$100.00
- (c) New Home Construction Surveys - \$350.00
 - 1. Erosion Control Measures
 - a. Take various elevations for drainage
 - b. Show silt fence, topsoil piles and fill piles
 - c. Set the Top of Block elevation for the basement
 - 2. Prepare drawing for building permit
 - a. Show proposed house
 - b. Show Erosion Control Measures
 - c. Show setbacks (front, side and rear)
 - 3. Set the house (with stakes) in the field prior to construction
 - 4. Locate lot lines
 - 5. Set culvert elevations
- (d) As-Built Surveys - After the foundation is complete - \$100.00
 - 1. Take elevations to check culvert heights and size
 - 2. Check Top of Block height
 - 3. Check foundation location
 - 4. Check that all erosion control requirements are in place
- (e) Final Inspection - After grading is complete - \$200.00
 - 1. Take elevations to check drainage and finished grade heights.
 - 2. Check final culvert flow line, size and final ditch grades
 - 3. Write letter with recommendation to Town to approve final occupancy permit or letter of recommend changes to acquire final occupancy permit.

Temporary Occupancy can be granted by the Town Engineer/Surveyor as provided by Section 14.25(b) of the Town Code. Applicant shall deposit with the Town Clerk prior to occupancy a refundable \$1000.00 deposit, which shall be distributed pursuant to Section 14.25(b). Remainder of fees to be paid by owner, builder or developer.