

## CHAPTER 71 - BUILDING AND MECHANICAL CODE

- 71.01 Authority**
- 71.02 Purpose**
- 71.03 Definitions**
- 71.04 Scope**
- 71.05 Permit Required**
- 71.06 Adoption of Codes**
- 71.07 Scope of Uniform Dwelling Code Expanded**
- 71.08 Building-HVAC-Electrical-Plumbing Inspector**
- 71.09 Submission of Plans**
- 71.10 Issuance of Permit**
- 71.11 Occupancy Permit**
- 71.12 Fees**
- 71.13 Violations and Penalties**
- 71.14 Stop Work Order**
- 71.15 Disclaimer and Non-Liability for Damages**

### **71.01 Authority.**

**A.** These regulations are adopted under the statutory authority granted pursuant to §§ 101.65, 101.651, 101.76, and 101.761, Wis. Stats.

**B.** This Chapter shall apply in all municipalities that have officially delegated the authority to enforce and administer the Uniform Dwelling Code to the County. At the time of the adoption of this Chapter, the following municipalities have officially requested County enforcement: Town of Buffalo, Town of Crystal Lake, Town of Douglas, Town of Harris, Town of Mecan, Town of Montello, Town of Moundville, Town of Neshkoro, Town of Newton, Town of Packwaukee, Town of Westfield, and Village of Westfield. A list of the municipalities delegating authority to the County shall be maintained, updated and accessible to the public in the County Zoning Department (*"Department"*).

### **71.02 Purpose.**

The purpose of this Chapter 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.

### **71.03 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. Alteration.** A substantial change or modification to the structural components of a building, a substantial change or modification to the room arrangement of a building or to the building's heating, electrical or plumbing systems.

**B. Building.** 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.

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

**D. Construction.** Any part or portion of the activity of installing, locating, siting, or erecting a building.

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

**F. Demolition.** The activity of completely or partially destroying a previously erected or constructed building.

**G. Electrical.** 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.

**H. HVAC.** 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.

**I. Occupancy.** 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.

**J. Owner.** The individual, firm or entity, which has record title to the real estate on which construction or demolition is taking place.

**K. Plumbing.** 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.

**L. Repairs.** 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.

**M. Stop work order.** 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.

#### **71.04 Scope.**

This Chapter applies to all one (1) and two (2) family dwellings, and decks serving an exit from a dwelling. Notwithstanding this Chapter, this Chapter shall not apply one (1) and two (2) family detached accessory structures, agricultural structures or to children's play structures.

#### **71.05 Permit Required.**

**A.** No owner or contractor may commence construction of any building or mechanical system on a structure referenced in Section 71.04 above, 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 one (1) and two (2) family dwellings, including decks serving an exit from the dwelling.
2. Additions that increase the physical dimensions of a building including decks.
3. Alterations to the structural components, plumbing, venting, electrical or HVAC systems of a residential building, greater than five thousand dollars (\$5,000.00) market value. Cost shall include market labor value. Cost does not include the finishing of interior surfaces.
4. Any electrical wiring for new construction including additions.
5. Any HVAC for new construction including additions.
6. Any plumbing for new construction including additions.
7. New or re-wired residential electrical services.

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

1. Detached one (1) and two (2) family accessory structures, including residential swimming pools and major equipment replacements (i.e. furnace, water heater, air conditioning, etc.).
2. Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector.

Notwithstanding this Chapter, 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 (1/3) or more layer of roofing.

3. Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, and dimmers.
4. Agricultural structures.

#### **71.06 Adoption of Codes.**

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

Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Chs. SPS 381-387	Uniform Plumbing Code

#### **71.07 Scope of Uniform Dwelling Code Expanded.**

For the purposes of this Chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

All additions and alterations greater than five thousand dollars (\$5,000.00) market value for all one (1) and two (2) family dwellings.

#### **71.08 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 SPS 35, Wisconsin Administrative 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 SPS 35, Wisconsin Administrative Code by the Department.

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

**D. 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 § 66.0119, Wis. Stats.

**E. 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 forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable.

1. Footing
2. Foundation
3. Rough Carpentry, HVAC, Electric and Plumbing
4. Drain Tile/Basement Floor
5. Underfloor Plumbing
6. Electric Service
7. Insulation
8. Final Carpentry, HVAC, Electric & Plumbing
9. Erosion Control

\*In accordance with SPS 321.17(2) the Building Inspector may waive the requirements for a complete drain tile or pipe system for new dwelling construction where documentation is submitted by a Professional Soil Scientist or Certified Soil Tester which verifies that the soils are comprised of well drained sands or well drained loamy sands and that no seasonal groundwater levels exist at or above the elevation of the footing of the proposed new dwelling. In addition, the property owner must sign “*An acknowledgement of waiver request*” form.

**F.** 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.

**G.** 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.

**H. Records.** The Building Inspector shall perform all administrative tasks required by the Department under all Codes covered in Section 71.06. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

#### **71.09 Submission of Plans.**

The owner or contractor shall, with respect to any proposed construction, submit two (2) 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 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.

**71.10 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 (2) years. Permit may be extended for twenty-four (24) months 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 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 Code and setback requirements in constructing the building.

**D.** No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this Chapter until such violation has been corrected.

**E.** No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.

**F.** It shall be the responsibility of the owner, installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

**71.11 Occupancy Permit.**

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable Codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the Code in minor respects, which do not threaten the safety, health or welfare of the building’s occupants, the Building Inspector may issue a temporary occupancy permit for thirty (30) days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

**71.12 Fees.**

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the County and as on file with the Department. If work commences prior to permit issuance, the permit fee shall double.

**71.13 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 Chapter.

**B.** Violations discovered by the Building Inspector shall be corrected within thirty (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.

**C. Non-compliance with written orders.** If a person does not comply with a written order the violator may be subject to one (1) or more of the following actions and/or penalties:

1. The issuance of a citation under Chapter 100.
2. Commencement of legal action against the person seeking an injunction to abate the violation and/or correct the violation.
3. Commencement of legal action against the person seeking a court-imposed forfeiture, court costs, and/or the costs of abatement.
4. The initiation of one (1) action or penalty under this Chapter does not exempt the violator from any additional actions and/or penalties prescribed by law.

**D.** A two hundred dollar (\$200.00) forfeiture shall result if occupancy occurs prior to final inspection and the issuance of an occupancy permit, if occupancy extends past the expiration of a temporary occupancy permit or if the exterior of the structure is not completed within two (2) years from the date the permit was issued. The forfeiture shall be in addition to any new permit fees that may be required to complete the structure.

**E.** Compliance with the requirements of this Chapter 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 Chapter shall constitute a public nuisance that may be enjoined in a civil action.

**F.** Violations of this Chapter shall be enforced and prosecuted through the Office of the Corporation Counsel.

#### **71.14 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 County. The County shall hear the appeal within seven (7) days. The County 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.

#### **71.15 Disclaimer and Non-Liability for Damages.**

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