Title 17

RESIDENTIAL AND COMMERICAL BUILDING CODES

17-1-1 – Authority, Purpose
17-1-2 - Scope
17-1-3 – Adoption of State Codes
17-1-4 – Building-HVAC-Electrical-Plumbing Inspector
17-1-5 - Violations and Penalties
17-1-6 – Unsafe Buildings
17-1-7 – Disclaimer and Non-liability for Damages
17-1-8 – Severability

17-1-1 – Authority, Purpose

AUTHORITY. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.

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 and the Wisconsin Commercial Building Code.

17-1-2 - Scope

SCOPE. Except as otherwise expressly provided in this Chapter, no owner, owner's agent, or contractor may construct, erect, or break ground for the same, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid building permit is obtained from the Village of Gays Mills Building Inspector. The building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

1) **PERMIT REQUIRED.** The foregoing described work that shall require a building permit includes, but is not limited to:

a) New 1-and 2-family dwellings and commercial buildings, decks (attached or detached) that serve an exit to a 1- or 2-family dwelling, residential accessory buildings and detached garages.

b) Additions that increase the physical dimensions of a building including all garages, decks, balconies, stoops, and similar structures that are attached to any building. As well as detached decks that serve an exit.

c) Alterations to the building structure, or major alterations to the building's heating, electrical, or plumbing systems that involve extensions as determined by the building inspector.

d) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.

e) Any HVAC for new construction or remodeling.

f) Any plumbing for new construction or remodeling.

g) Any new or re-wired electrical service, including services for agricultural buildings.

2) EXCEPTIONS. The following described work shall not require a permit:

a) Electrical wiring for industrial and manufacturing facilities that do not require State mandated building plan review.

b) Detached accessory buildings < 200 square feet.

c) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector such as replacing switches, receptacles, light fixtures, faucets, dimmers.

d) Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.

e) Re-siding, re-roofing, finishing of interior surfaces, and installation of cabinetry. *Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed project would constitute a third or more layers of roofing.

f) If the building inspector, at his/her discretion, deems repairs or alterations which do not change occupancy, area, structural integrity, fire protection, exits, light or ventilation of the building to be minor, may authorize said repairs or alterations without requiring a building permit to be issued.

3) BUILDING PERMIT FEES.

a) At the time of building permit issuance, the applicant shall pay fees as established by resolution periodically by the Village.

b) If work commences prior to permit issuance, the permit fees shall be double.

4) VILLAGE ZONING. Any person required to obtain a building permit under this Chapter shall First apply for a Zoning/Land Use Permit with the Village's Zoning Administrator as required by the s. 13-1-11 of the Municipal Code. The Zoning

Administrator shall determine whether the proposed building or alteration complies with Chapter 13 of this Code.

5) APPLICATION. Application for a building permit shall be filed with the Village Building Inspector in writing on a blank form to be furnished for that purpose. Such application shall state the owner of the land, also the owner of the building, if different, the legal description of the land upon which the land is located, or similar general description which will readily identify and definitively locate the proposed building or shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Village Building Inspector. All persons applying for permits shall, at their initial application, provide the names, addresses and required licensing information of all contractors and subcontractors who will be working on the project and/or who will require supplemental permits over the course of project.

6) PLANS AND SPECIFICATIONS. Plans and specifications and a lot plan, when required, showing the location of every existing building thereon, shall accompany every application for a building permit, and shall be filed in duplicate with the Village Building Inspector; provided, however, that the Building Inspector, at his/her discretion, finds that the character of the work is sufficiently described in the application, he/she may authorize the issuance of a permit without the filing of plans for alterations, repairs, or moving provided the cost of which does not exceed $1,000.00.

a) Plan submitted shall be drawn to scale on substantial paper or on in an acceptable digital format not to be less than one-quarter inch to one foot (1/4" per 1'). They shall be of sufficient clarity to indicate the nature and character of the work proposed and to show the regulations which apply will be complied with. They shall be prepared in accordance with the provisions of all applicable codes, and shall bear the name of the architect, professional engineer, or other person(s) who prepared them.

b) Specifications shall be in detail. Any specifications in which general expressions are used to effect that "work shall be done in accordance with the Building Code" or "to the satisfaction of the Building Inspector" shall be deemed to be imperfect and incomplete and every reference to the Building Code shall be applicable to the material to be used or to the method of construction proposed.

7) PERMIT LAPSES. A building permit, other than Wisconsin Uniform Building Permits, shall lapse and be void unless building operations commence within six (6) months and if construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

8) REISSUANCE OF PERMITS.

a) Except as otherwise provided in this section, in the event any work for which a permit has not commenced within six (6) months and/or has not been completed within 12 months (24 months for one- and two-family dwelling units) then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given.

b) Notwithstanding the provisions of subsection a) of this section, the Village Building Inspector may, in his/her discretion, issue one extension of the completion deadline provided in subsection a) of this section, not to exceed six (6) months.

9) PERMIT REVOCATION.

a) The Village Building Inspector or the Village Board (or its designee) may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

(1) Whenever the Village Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning.

(2) When the continuance of any construction becomes dangerous to life or property.

(3) When there is any violation of any condition or provisions of the application for permit or of the permit.

(4) When, in the reasonable judgment of the Village Building Inspector, there is inadequate supervision provided on the job site.

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

(6) When there is a violation of any of the conditions of an approval or occupancy given by the Village Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

b) The notice revoking a building, plumbing or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner premises and his or her agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building, structure, equipment or premises In question by the Village Building Inspector.

c) After notice is served upon the person 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 chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this ordinance. However, such work as the Village Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Village Building Inspector may require for preservation of life and safety.

10) POSTING PERMIT CARDS. Permit cards, when issued, shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress, at all times during construction or work thereon.

11) CERTIFICATE OF OCCUPANCY. If the Building Inspector, after completing all required Inspections, finds that a new 1- or 2-family dwelling or a new commercial building has been constructed in accordance with applicable codes, then the Inspector shall issue a certificate of occupancy. If a commercial building fails to comply with applicable codes in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary certificate of occupancy for 30 days or a agreed upon specified term. Temporary Certificates of Occupancy are not to be issued for 1& 2-family dwellings or projects. No person may have occupancy of a building until a Certificate of Occupancy has been issued.

12) VARIANCE. The Village Board shall hear requests for variances from the building code to the extent the Village Board has authority to hear and grant variances. The Village Board 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 the state law and if the performance of the proposed variance is equal to or greater than the code requirement.

17-1-3 – Adoption of State Codes

1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, modifications, and revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 305 Credentials
Ch. SPS 316 Electrical Code
Chs. SPS 320-325 Uniform Dwelling Code
Ch. SPS 327 Campgrounds
Chs. SPS 361-366 Commercial Building Code
Chs. SPS 375-379 Buildings Constructed Prior to 1914
Chs. SPS 381-387 Uniform Plumbing Code
Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services- Regulation of Industry, Buildings, and Safety

2) Notwithstanding Wis. Admin. Code § 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, additions or repairs to existing one- and two-family dwellings built before June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code §§ SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned.

3) Notwithstanding Wis. Admin. Code § 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 and accessory buildings exceeding 200 square feet in area 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 building inspector. Petitions for variance and appeals shall be handled by this municipality.

4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

17-1-4 – Building-HVAC-Electrical-Plumbing Inspector

1) CREATION AND APPOINTMENT. There is hereby created the office of the 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 specific under SPS 305, Wisconsin Administrative Code.

2) ASSISTANTS. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.

3) DUTIES. The Building Inspector shall administer and enforce all provisions of this ordinance including all administrative tasks required by the Department. Additionally, the Inspector shall keep a record of all permit applications and shall submit to the Village an activity report on an annual basis.

4) 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 from the Inspector or his/her agent while in the performance of his/her duties. If the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

5) INSPECTIONS. In order to permit inspection of a building project at all necessary phases without causing delay, the owner, owner's representative, contractor, and/or other responsible party shall be responsible for and shall request all required inspection(s) within the appropriate time frame in conformity with, and as defined in the Wisconsin Administrative Code.

a) Failure to request any inspection will be the responsibility of the owner, owner's representative, contractor, and/or other responsible party. No construction shall be deemed to be approved by default or lack of inspection as a result of an inspection not having been requested as required by the Wisconsin Administrative Code.

b) Any expense associated with the uncovering or exposing of any concealed work which must be inspected, where such work was required by the failure of the owner to request any required inspection, will be the responsibility of the owner, owner's agent, contractor, and/or responsible party.

6) STOP WORK ORDER. The Building Inspector may issue a stop work order for a project to prevent further non-compliance. 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, owner's agent or responsible party shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State Building Code.

7) INSPECTION RESULTS. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.

8) 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 in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.

17-1-5 - Violations and Penalties

1) 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.

2) 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.

3) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than $25.00 nor more than $1,000.00 for each day of non-compliance, together with the costs of prosecution. Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

4) 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 as established by the Building Inspector.

5) Report of violators. It shall be the duty of all Village Officers to report at once to the Building Inspector any building, electrical, or plumbing work which is being carried out without a permit as required by the Chapter.

6) 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.

17-1-6 – Unsafe Buildings

1) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or

deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.
Any person who fails to comply with any such order shall be guilty of a violation of this section.

2) Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Village of Gays Mills in an action against the owner or tenant.

17-1-7 – 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 damaged or destroyed by any defect in any dwelling, building or equipment.

17-1-8 – 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 conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.