

CHAPTER 8 – BUILDING CODE

SECTION 8.00 BUILDING CODE

Section 8.01 Authority

This Chapter entitled “Building Code” is adopted pursuant to the authority of Wis. Stats., Sec. 101.65.

Section 8.02 Purpose

The purposes of this ordinance are as follows:

- (A) Purpose. To provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; regulate the equipment, maintenance, use and occupancy of all such buildings and/or structures; and protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public;
- (B) Review and Inspect. To provide plan review and on-site inspections performed by inspectors or agencies certified by the Wisconsin Department of Commerce, or other such agency charged with the responsibility to administer building codes (“Department”);
- (C) Establish Forms. To establish the use of standard building permit forms for new buildings as prescribed by Department;
- (D) Collect Fees. To establish and collect fees to defray administrative and enforcement costs; and
- (E) Enforce Ordinances. To provide remedies and penalties for violations of this Ordinance.

Section 8.03 Scope

New buildings hereafter erected in, or any building hereafter moved within or into the Town of West Point shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The

provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and in no way supersede or nullify such laws.

Section 8.04 Wisconsin Uniform Dwelling Code Adopted

Chapters COMM 20 through 25, Wisconsin Administrative Code, the State Uniform Dwelling Code (“UDC”), and all amendments thereto, are adopted and incorporated in this ordinance by reference. Any future amendments and revisions to the UDC are also made a part of this ordinance in the interest of state wide uniformity. A copy of the UDC shall be kept on file in the office of the Building Inspector.

Section 8.05 Construction Standards; Codes Adopted

(A) Portions of State Building Code Adopted. Chapters COMM 20-25 and COMM 61-66, Wis. Adm. Code are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of the Chapters incorporated herein are intended to be made a part of this Code.

(B) State Plumbing Code Adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chapters. COMM 81-87 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town of West Point. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.

(C) State Electrical Code Adopted. Subject to the exceptions set forth in this Chapter, the Electrical Code, COMM 16, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter.

(D) Conflicts. If, in the opinion of the Building Inspector the provisions of the Uniform Dwelling Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Section 8.06 Method of Enforcement

This Chapter shall be enforced by using individual municipal enforcement by the Town's Building Inspector or others duly authorized by this Chapter or other Town ordinances.

Section 8.07 Building Inspector

There is hereby created the position of Building Inspector, who shall have the responsibility to administer and enforce this Chapter.

(A) Appointment. The Building Inspector shall be appointed by the Town Board and may be a firm or individual. The Building Inspector shall not be a Town employee, but rather an independent contractor. The Building Inspector shall serve at the pleasure of the town Board for an indefinite term.

(B) Qualifications. The Building Inspector shall be certified as stated in Wis. Adm. Code, Section COMM 20.10 for categories under which the Building Inspector shall conduct inspections. The Building Inspector shall not be interested, directly or indirectly, in the construction of buildings, in the preparation of plans and specifications therefor, or permanent building equipment in the Town.

(C) General Powers and Duties. The Building Inspector shall administer and enforce all provisions of this Chapter. The Building Inspector shall assist, when necessary or requested, the Town Engineer in the enforcement of Chapters 6 and 7. The Building Inspector shall at all reasonable times enter upon any public or private premises for inspection purposes or to prevent violation of this Chapter or other provisions of the Code of Ordinances. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Application for and acceptance of a building permit shall constitute consent to such entry.

(D) Records. The Building Inspector shall keep a record of all permit applications issued and inspections made. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the State. A record shall also be kept of all condemnations and removals of buildings. The Building Inspector shall make an annual report to the Town Board.

Section 8.08 Building Permit Required

No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert, or demolish any building or structure, or cause the same to occur, without obtaining a building permit as provided for herein. This ordinance shall not be construed to require a building permit for minor repairs not exceeding \$500.00, provided such repairs do not affect the structural integrity or strength of the building, involve plumbing or electrical work, and do not change the size, occupancy, fire protection, ventilation, exits or lights of the building or structure. Any person desiring a building permit shall file with the Town Clerk an application therefor in writing on forms to be furnished for that purpose. Upon filing, the Town Clerk shall furnish the building permit application to the Building Inspector for processing. The Building Inspector will issue the building permit to the owner or the owner's authorized

agent. If construction commences prior to the issuance of a permit, the permit fee shall be doubled.

(A) Application Forms to be Used. If the application is for a new one family or two-family dwelling, the Building Inspector shall use forms prescribed by Department and file a copy of each form with Department as required under Section 101.65(3), Wis. Stats.

(B) Submission of Plans. The applicant shall submit two (2) copies of all plans required by the Wisconsin Administrative Code at the time a building permit application is filed as well as any and all required soil erosion control plans and calculations. In addition, every application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot and block or tract, tax certificate number and street number, if any. Every application shall show the use and occupancy of all parts of existing buildings and such other information as may be required by the Building Inspector or the Town's application. All plans shall bear the name of the architect, engineer or person responsible for their preparation.

(C) Issuance of Permit. If the Building Inspector determines that the building/structure and soil erosion control plans comply with all ordinances, a permit shall be issued after the required fees have been paid. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit card shall be posted in a conspicuous place at the building site.

(D) Occupancy Permit. The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit if no violations exist which could reasonably be expected to affect health or safety.

(E) Permit Lapse. The building permit shall expire two years after issuance if the dwelling's exterior has not been completed.

(F) Permit Validity. No building permit presuming to give authority to violate, or to fail to comply with the provisions of this Chapter shall be valid except insofar as the work or use which it authorizes is lawful. If errors, subsequent to issuance of a permit, are discovered in the application, plans, specifications or execution of the work, the Building Inspector may rescind the permit and prevent building operations being further carried on thereunder when in violation of this Chapter or any other ordinances.

Section 8.09 Unsafe Buildings

If a building is so old, dilapidated, and out of repair as to be dangerous, unsafe and unsanitary, or otherwise unfit for human habitation, and if it would be unreasonable to repair the building, the Building Inspector shall order the owner to raze or remove the

building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by Section 66.0413, Wis. Stats.

Section 8.10 Permit Fees

Building permit fees to defray administrative and enforcement costs shall be as determined from time to time by the Town Board and posted by the Building Inspector.

Section 8.11 Violations and Penalties

When the Building Inspector cites violations of this Chapter or other ordinances, the violations shall be promptly corrected. All written violations, except with respect to erosion control, shall be corrected within 30 days unless an extension of time is granted pursuant to Section COMM 20.21 of the UDC. Any erosion control violation must be corrected within seventy-two (72) hours.

(A) Stop Order. The Building Inspector may issue a stop construction order for the following reasons:

- (1) If written violations are not corrected after 30 days;
- (2) Construction significantly structurally deviates from the approved plans; or
- (3) When construction is deemed dangerously unsafe.

A stop order “red-tag” shall be posted at the construction site, and the owner shall be notified in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the Building Inspector authorizes the re-start.

(B) Penalties. Any person in violation of this ordinance or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25 or more than \$500 for each violation and shall also pay the costs and expenses incurred in the case. Each day that such violation continues will constitute a separate and distinct offense. In addition, the Town may recover any costs incurred by its Building Inspector or Town Engineer in aiding in the enforcement or prosecution under this Chapter. Collection of forfeitures shall conform to Chapter 778 of the Wisconsin Statutes.

(C) Discretion. The options set forth in 8.11(A) and 8.11(B) above are alternative procedures. The Town may elect to proceed on any violation under (A), (B) or both, or may assess the penalty set forth in Section 8.08 of this Chapter as the case may be.

(D) Deposit. In the event of violation of this Chapter, if enforcement by forfeiture is sought, a cash deposit for inclusion in the citation is established as follows: 1st offense \$100.00; 2nd offense (and each subsequent day of offense) \$200.00.

Section 8.12 Appeals

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town Board will follow procedures under Chapter 68, Wis. Stats., to arrive at a final determination. Final determinations may be reviewed pursuant to Section COMM 20.21.

History Note: Amended 4/14/2011.