

ORDINANCE NO. 10-13-22C

**AN ORDINANCE AMENDING SECTIONS 8.04, 8.05, 8.07, 8.11 AND 8.12 OF
CHAPTER 8 OF THE TOWN OF WEST POINT CODE OF ORDINANCES**

WHEREAS the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Sections 8.04, 8.05, 8.07, 8.11 and 8.12 of the Town's Code of Ordinances be amended; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission, the Town Board desires to adopt the amendments to Chapter 8 recommended by the Plan Commission.

NOW, THEREFORE, the Town Board of the Town of West Point does hereby Ordain as follows:

1. Section 8.04 of the Town's Code of Ordinances shall be amended to read:

Chapters SPS 320 through 325 and SPS 361 through 366, 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 statewide uniformity. A copy of the UDC shall be kept on file in the Town Hall and office of the Building Inspector.

2. Section 8.05 of the Town's Code of Ordinances shall be amended to read:

(A) Portions of State Building Code Adopted. Chapters SPS 320-325 and SPS 361- 366, 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 Code incorporated herein are intended to be made a part of this Chapter.

(B) State Plumbing Code Adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chapters. SPS 381-387 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. The State Electrical Code, Chapter SPS 316, of the Wisconsin Administrative Code is hereby adopted by reference and made a part of this Section and shall apply to all buildings. Any future

amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter.

3. Section 8.07 of the Town's Code of Ordinances shall be amended to read:

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. 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 SPS 320.10 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 or any permanent building equipment thereof 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 Town shall keep a record of all permit applications, inspections made, and accompanying documentation. . Record shall reside at the Town Hall within 30 days after a final inspection. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the State. A record shall also be kept in the Town Hall by the Building Inspector of all condemnations and removals of buildings. The Building Inspector shall make an annual report to the Town Board.

4. Section 8.11 of the Town's Code of Ordinances shall be amended to read:

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 SPS 320.21, Wisconsin Administrative Code. 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 dangerous or 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.

5. Section 8.12 of the Town's Code of Ordinances shall be amended to read:

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 SPS 320.21, Wisconsin Administrative Code.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 13 day of October, 2022

By: 

Ashley Nedeau-Owen, Town Chair

Attest: 

Taffy Buchanan, Town Clerk

Posted: October 27, 2022

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