

CHAPTER 22: COMPREHENSIVE BUILDING CODE

22.01. Title/Purpose.

This chapter is entitled “Comprehensive Building Code.” The purpose of Chapter 22 is to promote the health, safety, and welfare of the Town.

22.02. Authority.

These regulations are adopted under the authority granted by Wis. Stat. chs. 59, 60, 61, 62, 66, and 101.

22.03. Scope.

This building code applies to all dwellings, commercial buildings, apartment buildings, garages, and other outbuildings. Excepted from this building code are outbuildings used exclusively for agricultural purposes, children play structures, dog kennels, and storage sheds of less than 120 square feet in area. This building code shall supplement and be an addition to Chapter 21, Wisconsin Uniform Building Code/Building Inspector.

22.04. Definitions.

As used in this chapter, the following terms have the meaning set forth herein:

A. “Building.” Any structure erected or constructed of wood, metal, stone, plastic, or other materials which is intended to be used by human beings for occupancy, commerce, education, cultural activities, or other purpose. The term does not include outbuildings used exclusively for agricultural purposes, children play structures, dog kennels, and storage sheds of less than 120 square feet in area.

B. “Building Inspector.” The individual(s) or firm appointed by the Town to exercise all of the powers and duties of a building inspector under Wisconsin law.

C. “Construction.” Any part or portion of the activity of installing, locating, siting, or erecting a building.

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

E. “Demolition.” The activity of completely or partially destroying a previously erected or constructed building.

F. "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.

G. "Garage." A building which is primarily intended for storage of parked automobiles or equipment.

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 habitation by human beings. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence 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. "Stop Work Order." A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or building 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.

22.05. Permit Required.

A. No owner or contractor may commence construction of any building or mechanical system 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 buildings.
- (2) Additions that increase the physical dimensions of a building including decks.
- (3) Alterations to the building structure; cost shall include market labor value or alterations to the building's heating, electrical, or plumbing systems.
- (4) Replacement which expands or enlarges major building equipment, furnaces, and central air conditioners, and any other major piece of equipment shall require a permit.
- (5) Alteration of plumbing, venting, electrical, or gas supply systems.
- (6) Any electrical wiring for new construction or remodeling.
- (7) Any HVAC for new construction or remodeling.
- (8) Any plumbing for new construction or remodeling.

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

- (1) Residing, reroofing, and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for reroofing a building if the proposed reroofing would constitute a third or more layer of roofing.
- (2) Normal repairs of HVAC, plumbing, and electrical equipment or systems.

22.06. Adoption of Codes.

The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement.

Ch. COMM 16 Electrical Code

Chs. COMM 20 through 25 Uniform Dwelling Code

Ch. COMM 28 Smoke Detectors

Ch. COMM 23 and 64 Building and Heating, Ventilating and Air Conditioning Code

Ch. COMM 66 Existing Buildings Code

Chs. COMM 25 and 82-87 Uniform Plumbing Code

22.07 Minimum Housing Code.

For purposes of this Building Code, the standards contained in the Southeastern Wisconsin Building Code, prepared by the Milwaukee Metropolitan Uniform Building Code Commission in January 1967, a copy of which is available from the Town Building Inspector, shall apply as the standards for construction of the following:

A. Additions, alterations, and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980.

B. Detached garages greater than 200 square feet serving one- and two-family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four inches in thickness. Reinforcement shall be a minimum of six-inch by six-inch, No. 10 wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. (Exempted are "frost-free footings" for detached residential accessory buildings.) Wis. Admin. Code ch. COMM 22 shall not apply.

C. With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow subsection 22.07.B., above, and/or Wis. Admin. Code ch. COMM 21.

22.08. Building Inspector.

The Town has, in Chapter 21 of the Municipal Code, created the office of Building Inspector. The Building Inspector shall be appointed in accordance with Chapter 21. The Building Inspector shall be certified for inspection purposes by the State of Wisconsin in the required categories specified under Wis. Admin. Code § COMM ch. 5.

A. **Subordinates.** The Building Inspector may appoint, as necessary, subordinate inspectors. All subordinate inspectors shall be certified for inspection purposes by the State of Wisconsin as required under Wis. Admin. Code. chs. ILHR 26 and COMM 5.

B. **Duties.** The Building Inspector shall administer and enforce all of the provisions of this chapter.

C. **Powers.** The Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes, and 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 such premises to the Building Inspector while in the performance of his or her duty. In the event that the Building Inspector is refused access to any such premises, then the Building Inspector is authorized to apply for a special inspection warrant pursuant the provisions of Wis. Stat. § 66.0119.

D. **Records.** The Building Inspector shall perform all administrative tasks required by the applicable codes. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issuance. The Building Inspector records shall include a copy of all fee calculations applicable for each building permit. The Building Inspector records shall be kept in the Town Hall.

22.09. Submission of Plans.

Two sets of building plans shall be submitted to the Building Inspector for any work valued over \$2,500.00, any work which expands the size of a building, any new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work, and existing buildings and property lines shall be submitted.

22.10. Issuance of Permit.

The Building Inspector shall issue the requested permit after 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. Permits are valid for two years. By accepting a permit, the applicant, owner, or contractor grants the Building Inspector the right of reasonable access to the real estate upon which the permitted construction or demolition will occur.

22.11. Fee Schedule.

The fee schedule for permits and inspections shall be set forth in writing by resolution of the Town Board as agreed between the Town Board and the Building Inspector from time to time.

22.12. Occupancy.

If no noncompliances are found by the Building Inspector, then the Building Inspector shall allow occupancy. If minor noncompliances, other than health or safety items, are in existence, the Building Inspector may allow temporary occupancy for a specified term. Occupancy may not be taken until occupancy is allowed by the Building Inspector.

22.13. Exterior Finish Required.

All buildings shall have a weather-resistant, uniform, and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

22.14. Maintenance of Buildings.

All buildings shall be maintained so that they do not lose value or become noncompliant with applicable codes.

22.15. Fees.

At the time of building permit application, the applicant shall pay fees as established periodically by the Town. If work commences prior to permit issuance, double fees may be charged by the Building Inspector.

22.16. Violations and Penalties.

Violations of this Building Code shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance, together with the costs of prosecution. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Building Inspector, after written notice is given.

22.17. Stop Work Order.

The Building Inspector may issue a stop work order against a project to prevent further noncomplying work.

22.18. Liability for Damages.

This chapter shall not be construed as an assumption of liability by the Town or the Building Inspector for damages because of injuries sustained or property destroyed by an defect in any installation or on any premises.