

BUILDING ORDINANCE 4-10-18

Town of Lanark, Portage County, Wisconsin

PART A: CONSTRUCTING BUILDINGS

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- 1.4 Adoption of Wisconsin Uniform Dwelling Code
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1.1 **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

1.2 **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.

1.3 **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980.

Notwithstanding s. 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 and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (Intro.) so that equivalency is maintained to the intent of the rule being petitioned.

Notwithstanding s. 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 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 Dwelling Contractor Credentials per SPS 320.09(9)(a)3. Frost protection of footings shall be determined by the Building Inspector. Petitions for variance and appeals shall be handled by this municipality.

1.4 **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, and its successors of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

1.5 **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Professional Credential Processing, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling

Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (**NOTE:** Contact the Division of Professional Credential Processing at (608)266-2112 for certification information.)

- 1.6 **BUILDING PERMIT REQUIRED.** A building permit shall first be obtained in the following cases:
- A new dwelling or an addition to an existing dwelling
 - New decks which exceed 50 square feet or an addition which exceeds 50 square feet to an existing deck.
 - New accessory buildings within the scope of this ordinance which exceed 300 square feet or additions to such buildings that exceed 300 square feet
 - Any structural changes or changes to mechanical systems that involve extensions or replacements.
- 1.6(a) **THE FOLLOWING ARE EXEMPT FROM PERMIT REQUIREMENTS:**
- Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector.
 - Re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry.
 - Replacement of existing fixtures, systems or equipment, in the same location, with the equivalent fixture, system or equipment.
- 1.7 **BUILDING PERMIT FEE.** The building permit fees shall be determined by resolution and shall include the applicable fee per SPS 302 to be forwarded to the Wisconsin Department of Safety & Professional Services for a UDC permit seal that shall be assigned to any new dwelling.
- 1.8 **PENALTIES.** 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. Forfeitures shall be not less than \$25.00 not more than \$1,000.00 for each day of noncompliance.
- 1.9 **EFFECTIVE DATE.** This ordinance shall be effective on April 15, 2018 upon publication as provided by law.
- 1.10 The building inspector(s) shall keep a log of all inspections completed.

PART B: MOVING BUILDINGS

- 2.1 General
 - 2.2 Moving Damaged Buildings
 - 2.3 Continuous Movement
 - 2.4 Street Repair/Inspection
 - 2.5 Conformance with Code
 - 2.6 Cash Deposit
 - 2.7 Insurance
 - 2.8 Municipality
- 2.1 **GENERAL.** No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefore from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. This section does not apply to manufactured homes per the Federal Fair Housing Act.
- 2.2 **MOVING DAMAGED BUILDINGS.** No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within 10% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 10% of the lowest equalized value of any of the surrounding buildings.

- 2.3 CONTINUOUS MOVEMENT. The movement of buildings shall be continuous operation during all hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- 2.4 STREET REPAIR/INSPECTION. Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Town Supervisor/Chairperson on any inspection of the route the building will travel within the Town limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Town Supervisor/Chairperson, inspect the streets and highways over which said building has moved and ascertain the condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within 10 days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining the such permit and the sureties on his bond responsible for payment of same.
- 2.5 CONFORMANCE WITH CODE. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the said municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, which reference to such building, shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of the Building Code and that when same is completed, the building, as such, will comply with said Building Code. In the event a building is to be moved from the municipality to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.
- 2.6 CASH DEPOSIT.
- a. Before a permit is issued to move any building over any public way in this municipality, the party applying for said permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than Five Thousand Dollars (\$5,000). Said cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any person or property, and the payment of judgement, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued. The cash deposit shall be refunded if after the building is moved and Building Inspector and Town Supervisor/Chairperson have found the permit was complied with and no damages were caused by the move.
 - b. The cash deposit required by a.(above) shall be further conditioned upon the permittee erecting adequate barriers and, within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. The Building Inspector may waive the time lines in the paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under 12 years of age.
- 2.7 INSURANCE. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000), or such other coverage as deemed necessary.

2.8 MUNICIPALITY

- a. Before any permit to relocate a building may be issued, the Municipality shall examine the application for the permit and approve the application by a majority vote.
- b. The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.
- c. The Municipality shall not grant a permit unless the Board has taken a view of the building proposed to be moved and of the site at which it is to located.
- d. The Municipality may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will be consistent with the exterior appearance and design of the building already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the municipality. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.
- e. In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash deposit of not less than \$5,000 with the municipality to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This cash deposit shall be in additions to any other bond or surety which may be required by other applicable ordinances of the municipality. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Town Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.
- f. No occupancy permit shall be issued for said building until the alterations proposed to be made have been completed.
- g. Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the municipality to consider the application. The Building Inspector shall inform the municipality whether or not the application complies, in all respects, with all other ordinances of the municipality. The municipality may, if it desires, hold a public hearing on the permit or waive any of the above requirements.

PART C: ADMINISTRATION, ENFORCEMENT, REMEDIES

- 3.1 Fees
- 3.2 Violations and Penalties
- 3.3 Stop Work Order
- 3.4 Variance
- 3.5 Appeals
- 3.6 Disclaimer and Non-Liability for Damages
- 3.7 Severability

3.1 FEES. At the time of building permit application issuance, the applicant shall pay fees as established periodically by the municipality. If work commences prior to permit issuance, the permit fee shall double.

3.2 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 ordinance.
- b. Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000 for each day of non-compliance, together with the costs of prosecution.
- c. 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 established by the Building Inspector.

d. 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.

- 3.3 **STOP WORK ORDER.** The Building Inspector may issue a stop work order for a project to prevent further noncomplying 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 municipality. The municipality shall hear the appeal within seven days. The municipality must 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.
- 3.4 **VARIANCE.** The Town Board shall hear requests for variances from the building code to the extent the Town Board has authority to hear and grant variances. The Town 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 state law and if the performance of the proposed variance is equal to or greater than the code requires.
- 3.5 **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 municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21
- 3.6 **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 destroyed by any defect in any dwelling or equipment.
- 3.7 **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 are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.