

## CHAPTER 14

### BUILDING CODE

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**14.01 TITLE.** This chapter shall be known as the “Building Code of the Town of Fredonia, Wisconsin” and shall be referred to in this chapter as “this code.”

**14.02 PURPOSE.** This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such buildings, and the general public.

**14.03 SCOPE.** New buildings hereafter erected in, or any building hereafter moved within or into, the Town shall conform to all the requirements of this code 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, 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 code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Town and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the Zoning Code.

**14.04 STATE CODES ADOPTED.** (1) WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE. The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code COMM Chs. 50 through 65, the Flammable Liquids Code COMM Ch. 8, and all amendments thereto are hereby made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply.

(2) WISCONSIN UNIFORM DWELLING CODE. The Wisconsin Uniform Dwelling Code, Wis. Adm. Code COMM Chs. 20 through 25 and all amendments thereto are hereby made a part of this chapter by reference and shall apply to all new and existing one- and 2-family dwellings and all alterations and additions thereto. A copy of said code is on file in the office of the Building Inspector.

**14.05 BUILDING INSPECTOR.** (1) APPOINTMENT. See sec. 1.03 of this Code.

(2) QUALIFICATIONS. (a) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.

(b) The Building Inspector shall be certified by the Wisconsin Department of Commerce to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

(c) During temporary absence or disability of the Building Inspector, the Town Board shall designate an acting Building Inspector.

(3) GENERAL POWERS AND DUTIES. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any ques-

tions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter.

(4) **RECORDS.** The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a report to the Town Board upon request.

(5) **APPEALS.** Any person feeling aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning Appeals, such appeal to be in writing.

**14.06 BUILDING PERMITS AND INSPECTION.** (1)(a) **PERMIT REQUIRED.** No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector. (b) **Demolition:** the permit issued for any demolition work will be copied to the Town Assessor by the Building Inspector for evaluation of re-assessment. All such demolition must comply with section 17.31 (construction site erosion control) and be done in a safe and secure manner. Total liability for any damage or injury will remain with the property owner. Failure to obtain permit will result in continued tax assessments at the original value.

(2) **APPLICATION.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector, which may be obtained from the Inspector, and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

(3) **SANITARY SYSTEM AND WELL REQUIRED.** No occupancy permit shall be issued for the construction of any residential building until the sanitary system and well are installed, and grading and graveling of the street necessary to service the property for which the permit is required is completed. No sanitary system shall be installed until a permit therefor has been obtained.

(4) **USES NOT REQUIRING A BUILDING PERMIT.** No building permit shall be required for any of the following:

- (a) For building an accessory building less than or equal to 200 square feet.
- (b) For any improvement or alteration to an existing building less than 200 square feet in area which does not affect a change in use.
- (c) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

Provided, however, that any work not requiring a permit shall comply with the applicable setback, yard, height and other requirements of this Code.

(5) **OCCUPANCY PERMIT REQUIRED.** No vacant land shall be occupied or used and no building or premises shall be erected, altered, moved or create change in use, and no non-conforming use shall be maintained, renewed, changed or extended until an occupancy permit shall have been issued by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this chapter. Such permit shall be applied for at the time of occupancy of any land and/or building.

(6) **DRIVEWAY AND CULVERT PERMIT REQUIRED.** See ch. 8 of this Code.

(7) **PLANS.** With each application there shall be submitted 2 complete sets of plans and specifications, including 2 plot plans showing the location of the proposed buildings with respect to lot lines. Plans for public, commercial and industrial buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and 2-family dwellings shall comply with the provisions of Wis. Adm. Code COMM 20.09(4).

(8) **PLOT PLAN REQUIRED.** Two plot plans prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:

- (a) The subject site.
- (b) The existing and proposed structures.
- (c) Sanitary system sites.
- (d) The existing or proposed easements, streets and other public ways.
- (e) Off-street parking, loading areas and driveways.
- (f) The existing highway access restrictions.
- (g) The existing and proposed street, side and rear yards.

In addition, the plot plan shall show the location, elevation and use of any abutting lands and their structures within 60 feet of the subject site. The Building Inspector may waive any portion or all of the requirements of this subsection which are not applicable. In addition, the Inspector may require the property owner to retain a registered land surveyor to recertify the plot plan, prior to pouring of footings, whenever he deems it necessary due to the close proximity of the proposed structure to the lot lines.

(9) **APPROVAL OF PLANS.** If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. The finished grade adjacent to all new construction shall be at least one foot above the finished

or proposed grade of the centerline of the adjacent street or the average from the 2 existing buildings on each side.

(10) **GRANT OR DENIAL OF PERMIT.** After the receipt of an application, plans and fees required by this section, the Building Inspector shall grant or deny the application within 10 business days.

(11) **REPAIRS AND ALTERATIONS.** A building permit shall be required for repairs or alterations which change the occupancy area, structural strength, fire protection or exits of the building.

(12) **INSPECTION OF WORK.** The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Inspector shall perform the requested inspection within 72 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 72 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Inspector.

(13) **PERMIT LAPSES.** A building permit shall lapse one year after issuance unless the time is extended in writing by the Building Inspector. However, a building permit for a new residence shall lapse in 2 years.

(14) **REVOCATION.** If the 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 or specific written instructions have been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

(15) **REPORT OF VIOLATIONS.** The police or other Town employes shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

**14.07 EROSION CONTROL.** See ch. 17 of this Code.

**14.08 PERMIT FEES.** Permit fees are on file in the office of the Town Clerk and may be changed from time to time by resolution.

**14.09 RESIDENTIAL GARAGES.** Residential attached garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Residential garages shall be located in accordance with ch. 17 of this Code and not less than 10 feet from any other building on the same premises when not a part of the building. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than one-hour fire-resistive construction as specified in Wis. Adm. Code COMM 21.08.

**14.10 FENCES AND WALLS, GENERAL REQUIREMENTS.** (1) **FENCES AND WALLS IN FRONT AND SIDE YARDS.** On any corner lot, no fence, wall or shrub shall be within the vision triangle prescribed in ch. 17 of this Code.

(2) **FENCES IN REAR YARDS.** Fences having a height of 6 feet or less may be located within the required rear yards in residential districts.

(3) **LOCATION.** The property owner shall be responsible for the proper placement and location of the fence. No fence shall be placed closer than 2 feet from the property line unless written consent is obtained from the abutting property owner and a variance granted by the Board of Zoning Appeals.

(4) **DOG PENS AND RUNS.** Dog pens and runs shall be erected in the rear or side yard only and shall be located at least 5 feet from any property line.

(5) **BARBED WIRE.** No fence consisting wholly or in part of barbed wire shall be erected or maintained in the Town except for farming purposes and except for approved security fences.

(6) **SECURITY FENCES.** The Plan Commission, upon proper application, may approve security fences in nonresidential zones of such design and construction as it shall deem proper.

(7) **FENCE SIDE.** Posts and framing shall face the property for which the fence permit application is being made.

(8) **NONCONFORMING FENCES.** Present fences may stand even though they do not conform to this section. However, nonconforming fences requiring 50% or more repairs or rebuilding shall be removed or rebuilt to conform with the requirements of this section.

(9) **MAINTENANCE OF FENCES REQUIRED.** All fences shall be maintained in good physical condition.

**14.11 NEW METHODS AND MATERIALS.** All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Commerce. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

**14.12 UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the Town to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.0413, Wis. Stats. Where the public safety requires immediate action, the Inspector shall, after obtaining an inspection warrant, 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 expenses of such work may be recovered by the Town in an action against the owner or tenant.

**14.13 MOVING BUILDINGS.** See ch. 8 of this Code.

**14.14 NON-ASSUMPTION OF LIABILITY.** This chapter shall not be considered as assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

**14.20 PENALTIES AND VIOLATIONS.** Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter, shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 20.04 of this Code. Each day a violation continues may be deemed 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. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.