

CHAPTER 15

BUILDING AND CONSTRUCTION

(Recr. fr. Title 15 As Repealed and Recreated by Ord. 99-1, Plumbing Code, 2001-LGRS)

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15.01 AUTHORITY. These regulations are adopted under the statutory authority granted pursuant to §§101.65, 101.651, 101.76, and 101.761, Wis. Stats., This Chapter shall be known as the, "Brownsville Building and Construction Code."

15.02 PURPOSE. The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

15.03 DEFINITIONS. As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code Definitions.)

- (1) **BUILDING.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
- (2) **BUILDING INSPECTOR.** The individual(s) or firm appointed by the Village to exercise all of the powers and duties of a building inspector under Wisconsin law.
- (3) **CONSTRUCTION.** Any part or portion of the activity of installing, locating,- sitting, erecting or raising a building.
- (4) **CONTRACTOR.** Any person, form or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- (5) **DEMOLITION.** The activity of completely or partially destroying a previously erected or constructed building.
- (6) **ELECTRICAL.** The trade which related 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.

(7) **GARAGE, PRIVATE.** A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.

(8) **GARAGE, PUBLIC.** Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.

(9) **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.

(10) **OCCUPANCY.** The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

(11) **OWNER.** The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

(12) **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 State of Wisconsin or work under the supervision of such a plumber.

(13) **REPAIRS.** Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

(14) **STOP WORK ORDER.** A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder 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.

15.04 SCOPE. This Code applies to all dwellings, commercial buildings and structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Notwithstanding this section, this chapter shall not apply to children's play structures.

15.05 PERMIT REQUIRED.

(1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

(2) The construction which shall require a building permit includes, but is not limited to:

(a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.

(b) Additions that increase the physical dimensions of a building including decks, accessory buildings.

(c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.

(d) Alteration of plumbing, venting, electrical, or gas supply systems.

(e) Any electrical wiring for new construction or remodeling.

(f) Any HVAC for new construction or remodeling.

(g) Any plumbing for new construction or remodeling.

(3) The following construction activities shall not require a building permit: (a) Re-siding, re-roofing and finishing or 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 may be requested by the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

(b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles and fixtures.

(c) Replacement of major building equipment including furnaces and central air conditioners, water heaters and any other major piece of equipment.

15.06 ADOPTION OF CODES.

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(1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector:

§ SPS 305 Credentials

§ SPS 316 Electrical Code

§ SPS 320-325 Uniform Dwelling Code

§ SPS 360-366 Commercial Building Code

§ SPS 375-379 Buildings Constructed Prior to 1914 Code

§ SPS 380-387 Uniform Plumbing Code

(2) Any local building codes or requirements other than those contained herein are repealed.

15.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED. For the purposes of this Chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

(1) Additions and alterations for one and two family dwellings built prior to June 1, 1980.

(2) Detached garages greater than 200 sq. ft. 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 (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings), Wis. Adm. Code, Ch Comm 22 shall not apply.

(3) With respect to other detached accessory buildings, concrete slabs, frostfree footings, and the like are not required, but if they are installed they shall follow subs (2) above and/or Wis. Adm. Code, Ch Comm 21.

15.08 CERTIFIED MUNICIPALITY STATUS. The Village adopts the Certified Municipality Status as described in Wis. Adm. Code Ch 50.21.

15.09 BUILDING, HVAC, ELECTRICAL, AND PLUMBING INSPECTOR.

(1) **CREATION AND APPOINTMENT.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under Comm 5, Wisconsin Adm. Code.

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2) **SUBORDINATES.** The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in COMM 5, Wisconsin Adm. Code, by the Department.

(3) **DUTIES.** The Building Inspector shall administer and enforce all provisions of this chapter.

(4) **POWERS.** The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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 any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to §66.122, Wis. Stats.

(5) **INSPECTIONS.** In order to permit inspection of a building project at all necessary hours without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- (a) Footing
- (b) Foundation
- (c) Rough Carpentry, HVAC, Electric and Plumbing
- (d) Drainage/Basement Floor
- (e) Underfloor Plumbing
- (f) Electric Service
- (g) Insulation
- (h) Final Carpentry,
- (i) HVAC,
- (j) Electric & Plumbing
- (k) Erosion Control

(6) RESPONSIBILITY FOR FAILURE TO REQUEST INSPECTION(S). Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.

(7) EXPENSES. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

(8) RECORDS. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered herein. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

15.10 SUBMISSION OF PLANS. The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and

15.11 ISSUANCE OF PERMIT.

(1) The Inspector shall issue the requested permit if the owner or contractor demonstrates that 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 from the street. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees.

(2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

(3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

15.12 COMPLETION DEPOSIT REQUIRED. A deposit of \$400.00 is required for all projects whose total cost, including labor, materials and supplies, will equal or exceed \$50,000.00. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

15.13 OCCUPANCY PERMIT. If the Building Inspector after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

15.14 UNSAFE BUILDINGS. Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become 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, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in §66.05(5), Wis. Stats.

15.15 RAZING AND DEMOLITION.

(1) DEMOLITION PERMIT REQUIRED. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.

(2) APPLICATION. An application for a permit to demolish all or part of a building shall include the following information:

(a) The name and address of the owner of the building on date of application and, if different, on date of demolition;

(b) The name, address and telephone number of the contractor(s) performing the demolition work;

- (c) The date upon which demolition is to commence.
- (d) The date by which demolition shall be complete;
- (e) A list of all hazardous waste and hazardous and toxic substances as defined by NR §158.03(4), Wis. Admin. Code (as may be amended from time to time) contained in the building, a statement as to §445.02(2), Wis. Stats), and, a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
- (f) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks hauling the waste);
- (g) A description of the method of demolition to be used; and,
- (h) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
- (i) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(3) DEMOLITION. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(4) CLEARING AND LEVELING THE SITE.

(a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.

(b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.

(c) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the 72 hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.

(5) REMOVAL AND DISPOSAL. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

15.16 MOVING BUILDINGS.

(1) GENERAL. No person shall move any building or structure upon any of the public right of ways of the Village without first obtaining a permit. 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.

(2) MOVING DAMAGED BUILDINGS. No building shall be repaired, altered or moved within or into the Village 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 Village. Furthermore, if the equalized assessed value of the building is not within 20% 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 20% of the lowest equalized value of any of the surrounding buildings.

(3) CONTINUOUS MOVEMENT. The movement of buildings shall be a continuous operation during all the 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.

(4) STREET REPAIR/INSPECTION. Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Superintendent of Public Works on an inspection of the route the building will travel within the Village 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 Superintendent of Public Works, inspect the streets and highways over which said building has been 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 ten (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 such permit and the sureties on his bond responsible for payment of same.

(5) CONFORMANCE WITH CODE. No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village 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, with 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 this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Village 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.

(6) CASH DEPOSIT.

(a) Before a permit is issued to move any building over any public way in this Village, the party applying for said permit shall make a cash deposit to the Village in a sum, to be fixed by the Village, which sum shall not be less than Five Thousand Dollars (\$5,000.00). Said cash deposit shall be held for indemnification of the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village 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 the Building Inspector and Supervisor of Public Works have found that the permit was complied with and no damages were caused by the move.

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(b) The cash deposit refund process required by par. (a) 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 timelines in this 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.

(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.

(8) **VILLAGE.**

(a) Before any permit to relocate a building may be issued, the Village 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 Village shall not grant a permit unless the Village has taken a view of the building proposed to be moved and of the site at which it is to be located.

(d) The Village 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 not be consistent with the exterior appearance and design of the buildings 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 Village. 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 Village 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 addition to any other bond or surety which may be required by other applicable ordinances of the Village. 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 Village 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 exterior alterations proposed to be made have been completed.

(g) Whenever an application for relocation of a building is made to the Building Inspector, the Building Inspector shall request a meeting of the Village to consider the application. The Building Inspector shall inform the Village whether or not the application complies, in all respects, with all other ordinances of the Village. The Village may, if it desires, hold a public hearing on the permit.

15.17 EXTERIOR FINISH REQUIRED. All buildings shall have a weather resistant, uniform and neighborhood compatible exterior finish. Tarpaper or similar material is not acceptable.

15.18 MAINTENANCE OF YARDS. During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Village. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

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

15.20 VIOLATIONS AND PENALTIES.

- (1) **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 chapter.
- (2) **FORFEITURE.** Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- (3) **VIOLATIONS.** 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.
- (4) **COMPLIANCE REQUIRED.** Compliance with the requirements of this chapter 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 chapter shall constitute a public nuisance which may be enjoined in a civil action.

15.21 STOP WORK ORDER. The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Village. The Village shall hear the appeal within seven days. The Village shall 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.

15.22 VARIANCE. The Village Board shall hear requests for variances from the building code to the extent the Village Board has authority to hear and grant variances. The Village Board shall approve, conditionally approve, or deny a requested variance. The Village Board 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.

15.23 APPEALS. Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Village Board. The Village 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 Comm 20.21.

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15.24 DISCLADVIER AND NON-LIABILITY FOR DAMAGES. This chapter shall not be construed as an assumption of liability by the Village or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

15.25 SEVERABILITY. If any section of this Building and Construction Code 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 chapter are hereby repealed as to those terms that conflict.