

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

15.01 Building Code

Chapter 15.01

BUILDING CODE

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15.01.010 Statutory authorization. These regulations are adopted under the statutory authority granted pursuant to Wis. Stat. §§ 101.65, 101.651, 101.76, 101.761, and 101.86. (Ord. 164-21, Sec. 1, 2020; Ord. 160-029, Sec. 1, 2017; Ord. 156-9, Sec. 2, 2012; Ord.141-25, Sec.1, 1997; Ord.136-51, Sec.1, 1992; Ord.128-42 Sec.2(part) 1984).

15.01.020 Purpose. The purpose of this chapter is to promote the development of quality housing, public buildings and places of employment and to protect the health, safety and welfare of the public and employees. (Ord 160-29, Sec. 1, 2017; Ord. 128-42 Sec.2(part) 1984).

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

A. "Addition" Means new construction which increases the physical three dimensions of a building.

B. "Agricultural Structure" Means Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

C. "Alteration" Means a change, modification, or adjustment to an existing structure other than a repair, maintenance, or an addition.

D. "Building" Means 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.

E. "Building inspector" Means the individual(s) appointed by the municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.

F. "Construction" Means any part or portion of the activity of installing, locating, siting, or erecting a building. Conversion of a building from one use to a different use is also considered construction.

G. "Contractor" Means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.

H. "Department" Means the Wisconsin Department of Safety and Professional Services.

I. "Electrical" Means 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.

J. "HVAC" Means 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.

K. "Occupancy" Means 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.

L. "Owner" Means the individual, firm or entity which has record title to the real estate on which construction is taking place.

M. "Plumbing" Means 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.

N. "Repair" Means the act or process for purposes of maintenance or replacements in any existing building or structure which do not involve the 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 esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

O. "Structure" Means building. (Ord. 164-21, Sec. 2 & 3, 2020; Ord. 160-29, Sec. 1, 2017)

15.01.040 Scope. This code applies to all one- and two-family dwellings, and decks serving an exit from a structure. Unless states elsewhere, this article shall not apply to children's play structures. The standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standard for construction on additions and alterations to one and two family dwellings built before June 1, 1980. (Ord. 164-21, Sec. 4, 2020; Ord. 160-29, Sec. 1, 2017)

15.01.050 Adoption of Codes. The following chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the county and shall be enforced by the building inspector.

- A. Wis. Admin. ch. SPS 305 Credentials.
- B. Wis. Admin. ch. SPS 316 Electrical Code.
- C. Wis. Admin. ch. SPS 320-325 Uniform Dwelling Code.
- D. Wis. Admin. ch. SPS 381-387 Uniform Plumbing Code. (Ord. 164-21, Sec. 5, 2020; Ord. 160-29, Sec. 1, 2017)

15.01.060 Jurisdiction This chapter shall be applied and enforced in any city, village or town within the boundaries of the County which has not enacted an ordinance pursuant to Wis. Stat. §§ 101.65 and 101.651, 101.76, 101.761 and 101.86. (Ord. 164-21, Sec. 6, 2020; Ord. 160-29, Sec. 1, 2017; Ord. 128-42 Sec.2(part) 1984).

15.01.070 Administration by the Department of Planning and Development. The department of planning and development shall administer and enforce this chapter.

A. Creation and appointment. There is hereby created the position of building inspector. The building inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in the required categories specified under Wis. Admin. Code ch. SPS 305.

B. Duties. The building inspector shall administer and enforce all provisions of this article.

C. 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 Wis. Stat. § 66.0119.

D. Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the required 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:

E. Failure to request inspection. 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.

F. Contractor and/or property owner responsible. 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.

G. Records. The building inspector shall perform all administrative tasks required by the department under all codes covered in 15.01.050. In addition, the inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. (Ord. 160-29, Sec. 1, 2017; Ord. 156-9, Sec. 3, 2012; Ord.141-25, Sec.2, 1997; Ord.128-42 Sec.2(part) 1984).

15.01.080 Building permits.

A. No owner or contractor shall build or alter or cause to be built or altered any building or structure or mechanical system in a structure referenced in 15.01.040 without first obtaining a building permit for such building or structure. A copy of the permit shall be filed with the department of planning and development.

B. The construction activities which shall require a building permit includes, but is not limited to:

1. New one- and two-family dwellings, including decks serving an exit from the dwelling.
2. Additions that increase the physical dimensions of a dwelling including decks serving an exit from the dwelling.
3. Alterations to the dwelling structure or alterations to the dwellings plumbing, heating, or electrical systems.

4. Electrical construction.
 - a. All electrical wiring in a detached residential structure.
 - b. All electrical wiring in a commercial structure.
 - c. All electrical wiring in an agricultural structure.
 - d. New or re-wired electrical services.
 5. Any conversion of a building from one use to a different use.
- C. The following construction activities shall not require a building permit:
1. All new detached accessory buildings, or additions to existing detached accessory buildings.
 2. Re-siding, reroofing, window and door replacement, and finishing of interior surfaces, installation of cabinetry, and non-structural repairs which are deemed minor by the building inspector.
 3. Major equipment replacements (i.e., furnace, water heater, air conditioner, etc.).
 4. Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers.
 5. Agricultural structures. (Ord. 164-21, Sec. 7, 2021; Ord. 160-029, Sec. 1, 2017; Ord. 156-9, Sec. 4, 2012; Ord. 152-5, Sec. 1 & 2, 2008; Ord. 152-5, Sec. 1, 2008; Ord. 136-51, Sec. 2, 1992; Ord. 128-42 Sec.2(part) 1984).

15.01.090 Issuance of permit.

- A. The inspector shall issue the requested permit if the applicant, 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, except commercial electrical permits shall expire 12 months after date of issuance, if installation of the electrical wiring has not commenced.
- B. 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 will occur.
- C. Permits are issued conditionally on the condition that the applicant, owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- D. No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.
- E. No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the building inspector.
- F. It shall be the responsibility of the owner, installer or contractor to determine if a permit is required and to obtain the same prior to commencing work. (Ord. 164-21, Sec. 8, 2020; Ord. 160-29, Sec. 1, 2017)

15.01.100 Occupancy. 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 a certificate of occupancy. 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 for 30 days or a specified term. No person may have occupancy of any new, used, or rebuilt building until a certificate of occupancy is issued. (Ord. 160-29, Sec. 1, 2017)

15.01.110 Permit Fees. The department of planning and development shall charge fees subject to the following schedule:

- A. Fee Schedule for structures covered under the Uniform Dwelling Code:
1. 1 and 2 family dwellings including modular homes
Minimum Fee \$460.00
\$.56 sq. ft. of living area exclusive of garages and uninhabited basements
 2. Conversion of an existing structure to 1 and 2 family dwelling
Minimum Fee \$460.00
\$.56/sq. ft. of living area of exclusive uninhabited basements and garages.
 3. Manufactured homes/modular homes
 - a. Unfinished \$250.00
 - b. Finished basement (all or part) \$.56/sq. ft.
Minimum Fee \$250.00

Additional permitting and fees shall apply to site-built structures such as decks that exceed 25 square feet, porches, sunrooms, garages, carports, and similar type additions.

4. House moved to the site (foundation with or without plumbing and electrical) \$510.00
5. Additions/alterations to manufactured homes and to the added/altered living area 1 and 2 family dwelling houses
Minimum Fee \$145.00
\$.56/sq. ft.
6. Miscellaneous: woodstoves, chimneys, fireplaces, decks, screen porches, etc. \$145.00
7. Attached garages additions \$145.00
8. Recreational Dwellings:
 - a. Basic structure no heating, plumbing or electrical
Minimum Fee \$420.00
\$.40/sq. ft.

	b.	Structure with heating, plumbing (all or one) Minimum Fee	\$.56/sq. ft. electrical and \$460.00
	c.	Installation of heating, electrical or plumbing system (all or one).	\$275.00
9.		UDC Sticker (additional with all fees where applicable.)	\$ 39.00
10.		Erosion Control:	
	a.	New 1 or 2 family dwelling	\$145.00
	b.	Additions	\$ 75.00
11.		Refunds: Refunds for projects not started shall be based on the fee paid minus UDC seal fee of Plan review fee when plans are required	\$ 39.00 \$100.00
		Erosion control fee of	
	a.	New 1 and 2 family dwelling	\$ 70.00
	b.	Addition	\$ 50.00
12.		Permit Renewal (2-year renewal)	
	a.	New 1 and 2 family dwelling	\$250.00
	b.	Additions	\$145.00
	c.	Decks	\$ 70.00
13.		Permission to start construction	\$115.00
14.		Residential electrical permits: Electrical plans may be required.	
	a.	Add 1 to 5 circuits	\$105.00
	b.	Add more than 5 circuits	\$135.00
	c.	Replace service panel only	\$105.00
	d.	Replace service panel and add circuits, misc.	\$135.00
	e.	Installing solar panels, solar water heater, wind generator, misc.: One required inspection	\$105.00

	f.	Installing solar panels, solar water heater, wind generator, misc.:	
		Two required inspections	\$ 145.00
	g.	Installing solar panels, solar water heater, wind generator, misc.:	
		Three or more required inspections	\$ 185.00
B.		Electrical permits for commercial and agricultural projects:	
	1.	New commercial or agricultural structure	\$.14/sq. ft.
		Minimum fee	\$ 105.00
		Maximum fee	\$3,500.00
	2.	Addition to a commercial or agricultural structure.	\$.14/sq. ft..
		Minimum fee	\$ 105.00
		Maximum fee	\$3,500.00
	3.	Electrical miscellaneous:	
	a.	Add 1 to 5 circuits	\$ 105.00
	b.	Add more than 5 circuits	\$ 135.00
	c.	Replace service panel only	\$ 105.00
	d.	Replace two electrical panels only	\$ 135.00
	e.	Replace more than two electrical panels	\$ 225.00
	f.	Upgrade commercial/ agricultural building electrical – minimum	\$ 105.00
	g.	Upgrade commercial/ agricultural building electrical - up to 4 inspections needed	\$ 450.00
	h.	Installing solar panels, solar water heater, wind generator, misc.:	
		One required inspection	\$ 105.00
	i.	Installing solar panels, solar water heater, wind generator, misc.:	
		Two required inspections	\$ 145.00
	j.	Installing solar panels, solar water heater, wind generator, misc.:	
		Three or more required inspections	\$ 185.00

C. Reinspection Fee: A fee of \$145.00 may be assessed when it is necessary for the inspector to make a reinspection due to the initial inspection request not being completed.

D. Occupation of a dwelling constructed under SPS 320-325 before final inspection: \$400.00.

E. Miscellaneous inspections: \$ 60.00/hr.
Minimum fee \$ 60.00.

(Ord. 164-21, Sec. 9, 2020; Ord. 162-23, Sec. 14, 2018; Ord. 161-31, Sec.16, 2017; Ord. 161-27, Sec. 5 & 6, 2017; Ord. 160-29, Sec. 1, 2017; Ord. 159-36, Sec. 1, 2016; Ord. 159-18, Sec. 21, 2015; Ord. 158-23, Sec. 12, 2014; Ord. 157-38, Sec. 1 & 2, 2014; Ord. 157-28, Sec. 12, 2013; Ord. 156-25, Sec. 9, 2012; Ord. 156-9, Sec. 5-7, 2012; Ord. 155-22, Sec. 15, 16 & 17, 2011; Ord. 154-17, Sec. 8, 2010; Ord. 153-23, Sec. 9, 2009; Ord. 152-40, Sec. 1, 2008; Ord. 152-30, Sec. 12 & 13, 2008; Ord. 151-32, Sec. 23, 2007; Ord. 150-28, Sec.12, 2006; Ord. 148-120, Sec. 16, 2004; Ord. 147-56, Sec. 6, 2003; Ord. 146-53, Sec. 6, 2002; Ord. 146-02, Sec. 11, 2002; Ord. 145-83, Sec. 2, 2002; Ord. 144-70, 2000; Ord. 144-68, Sec. 5, 2000; Ord. 144-68, Sec. 4, 2000; Ord. 143-55, Sec. 2, 1999; Ord. 142-76 Sec.2, 1999; Ord. 142-65 Sec.2, 1998; Ord. 141-25, Sec.3; Ord. 140-99, Secs.2-3, 1997; Ord. 139-122, 1996; Ord. 138-89, 1995; Ord. 137-34, 1993; Ord. 136-51, Sec.3-5, 1992; Ord. 132-53 Sec.1, 1988, Ord. 130-53 Sec.1, 1986; Ord. 128-42 Sec.2(part) 1984).

15.01.120 Penalties.

A. Uniform Dwelling Code. No person shall construct or alter any dwelling in violation of any of the provisions of this code. Pursuant to Wis. Stat. §§ 101.66 and 101.77, whoever violates this code shall forfeit to the county not less than \$25.00 nor more than \$500.00 for each violation. Each day that the violation continues, after written notice, shall constitute a separate offense.

B. Structures covered under Wis. Admin. Code ch. SPS 360-366. Pursuant to Wis. Stat. § 101.02(13)(a), any person who violates this code shall forfeit to the county not less than \$10.00 nor more than \$100.00 for each such offense.

C. Fees may be doubled if work is commenced prior to the issuance of a permit. (Ord. 160-29, Sec. 1, 2017; Ord. 156-9, Sec. 8, 2012; Ord. 145-47, 2001; Ord. 138-35, Sec.3, 1994; Ord. 128-42 Sec.2(part) 1984).

15.01.130 Responsibility construed. This chapter and all inspection and approvals thereunder shall not be construed as establishing any legal responsibility on the part of the county or any of its agents or employees for the design or construction of any building or structure. The sole responsibility for code compliance and care in construction shall be vested in the property owner, builder or contractor. (Ord. 160-29, Sec. 1, 2017; Ord. 128-42 Sec.2(part) 1984).

15.01.140 Highest standards prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of any city, village or town within the boundaries of the county existing on the effective date of this ordinance, any provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (Ord. 160-29, Sec. 1, 2017; Ord. 128-42 Sec.2(part) 1984).

15.01.150 Saving and severable clauses If, for any reason, any one or more sections, sentences, clauses, or parts of this title are held invalid, such invalidity shall not affect, impair or invalidate the remaining provisions. (Ord. 160-29, Sec. 1, 2017; Ord. 134-51, 1990; Ord. 128-42 Sec.2(part) 1984).