

Town of Amherst
BUILDING
ORDINANCE
1.12.17

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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 frost protection of footings, which shall be determined by the code official. 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.** If a person adds onto a building, deck or detached accessory building in excess of 300 square feet in any twelve month period, or builds or installs a new building, deck or detached accessory building in excess of 300 square feet within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

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 1.12.17 upon publication as provided by law.

1.10 The building inspector(s) shall keep a log of all inspections completed.

Part B Delegated Municipality Status Contents

- 2.1 Authority
- 2.2 Responsibilities
- 2.3 Plan Submission Procedures
- 2.4 Building-HVAC-Electrical-Plumbing Inspector
- 2.5 Building Inspector Subordinates
- 2.6 Inspections
- 2.7 Record Keeping
- 2.8 Submission of Plans
- 2.9 Issuance of Permit/Occupancy Permit

2.1 **Delegated Municipality:** The Town has adopted the Delegated Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

2.2 The Town shall assume the following responsibilities for the Department of Safety and Professional Services: Provide inspections only of all size commercial buildings within the municipality in lieu of the department. In the event that the Town of Amherst would not have a building inspector with a commercial license, the town would relinquish the delegated commercial building code enforcement authority from the WI Department of Safety and Professional Services.

2.3 All commercial buildings, structures and alterations require plan submissions as follows: building permit application, fees per Town of Amherst fee schedule and one set of state approved plans signed and sealed per SPS 361.30 & 31 including one set of specifications, component and system plans and calculations showing code compliance.

- 2.4 There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- 2.5 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 SPS 305, Wisconsin Adm. Code, by the Department.
- 2.6 In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner/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.) Drain tile/Basement Floor
 - e.) Underfloor Plumbing
 - f.) Electric Service
 - g.) Insulation
 - h.) Final Carpentry, HVAC, Electric and Plumbing
 - i.) Erosion Control

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.

2.7 The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 1-1-06. In addition, the Inspector shall keep a record of all applications for permits and shall submit applications to the Town on an annual basis.

2.8 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, than a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector or Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

2.9 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. 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. 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. 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. No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector. It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

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

a commercial 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. Temporary permits not to be issued for 1 & 2 family dwellings or projects. No person may have occupancy of any building until an occupancy permit is issued.

Part C: Moving Buildings

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. **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.
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.
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.
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.

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) 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.

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. 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 be 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 not 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 addition 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 exterior 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.

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.

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 ordinance.
2. 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.
3. 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 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.

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.

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.

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 COMM 20.21.

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.

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.

Adopted this _____, day of _____.

(Town of Amherst Chairperson)

Attest: _____

Published: _____