

TOWN OF HARMONY
ORDINANCE NO. _____

AN ORDINANCE AMENDING AND REPLACING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE TOWN OF HARMONY, ENTITLED “BUILDING CODE.”

THE TOWN BOARD OF THE TOWN OF HARMONY, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I. Chapter 14 of the Code of Ordinances of the Town of Harmony, the Building Code, is amended and recreated to read as follows:

“SECTION 1: AUTHORITY”

The regulations provided in this Chapter are adopted under the authority granted by Sections 101.65, 60.22 (3), and 61.34 of the Wisconsin Statutes.

SECTION 2: PURPOSE

The purpose of this Chapter is to promote the general health, safety and welfare of the public, and to maintain local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.

SECTION 3: SCOPE

The scope of this Chapter includes:

- (A) The construction and inspection of one- and two-family dwellings built since June 1, 1980 and, notwithstanding Section SPS 320.05 of the Wisconsin Administrative Code, to alterations and additions to one- and two- family dwellings built before June 1, 1980;
- (B) All buildings to which the Wisconsin Commercial Building Code applies;
- (C) Farm and agricultural buildings and accessory buildings, including sheds and garages.

SECTION 4: WISCONSIN UNIFORM DWELLING CODE ADOPTED

The Wisconsin Uniform Dwelling Code, Chs. SPS 320 through 325 of the Wisconsin Administrative Code, together with all future amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope set forth in Section 3 (A) above.

SECTION 5: WISCONSIN COMMERCIAL BUILDING CODE ADOPTED

The Wisconsin Commercial Building Code contained in Chs. SPS 361 through 366 of the Wisconsin Administrative Code, together with all future amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope set forth in Section 3

(B) above.

SECTION 6: ACCESSORY AND AGRICULTURAL BUILDINGS.

(1) Freestanding storage sheds, detached garages and agricultural or farm buildings not exceeding 70 square feet in area need not be built on a foundation or on footings, but shall be anchored to resist displacement and movement by wind, large animals and vandals. Such buildings shall be designed to resist all loads as set forth in the Wisconsin Uniform Dwelling Code. All other freestanding storage sheds, detached garages and agricultural buildings shall have footings and foundations, or shall be built on floating slabs consistent with the Wisconsin Uniform Dwelling Code.

(2) All manufactured freestanding storage sheds, detached garages and agricultural buildings shall be constructed according to manufacturer's specifications.

(3) All freestanding storage sheds, detached garages and agricultural buildings shall be constructed with trusses or rafters sufficient to bear roof loads consistent with the Wisconsin Uniform Dwelling Code.

(4) Any freestanding storage shed, detached garage or agricultural building with electrical wiring shall have wiring which is of a proper size, is properly insulated, and is properly connected in a manner designed to minimize potential for fire and injury in the reasonable judgment of the building inspector.

(5) Storage sheds attached to dwelling units shall be constructed according to the requirements for attached garages under the Wisconsin Uniform Dwelling Code.

SECTION 7: ADMINISTRATION AND ENFORCEMENT

(1) APPOINTMENT. A Building Inspector shall be appointed by the Town Board to administer and enforce all the provisions of this ordinance. The Building Inspector shall be certified by the Wisconsin Department of Safety and Professional Services as to both the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.

(2) RECORDS. The Building Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(3) RIGHT TO ENTRY. The Building Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

SECTION 8: PERMITS.

(1) **REQUIRED.** A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, using application forms prescribed and furnished by the Building Inspector.

(2) **EXCEPTIONS.** A building permit is not required for:

(a) Minor repairs, maintenance or alterations whose value does not exceed \$2,500 and which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building or structure.

(b) Installation of roof shingles, siding, furnace replacements, and air conditioning replacements for one and two-family dwellings.

(3) **DOUBLE FEE FOR FAILURE TO OBTAIN PERMIT.** Failure of the owner, agent, lessee or sublessee, or other responsible parties to obtain a permit prior to commencement of the work, shall subject the owners or other responsible parties to a double fee. Such fee shall not deny the Town any other legal right or remedy it may otherwise have under this ordinance and other applicable codes and regulations.

(4) **PERMIT CARD.** The Building Inspector shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work.

(5) **COMMENCEMENT OF WORK.** All building permits and plan approvals shall be void unless work has commenced within 6 months from original issue or approval. Where work has commenced within 6 months, the building permit shall expire by limitation two years from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(6) **REVOCATION.** If the Building Inspector shall find, at any time, that any provisions of the Town Code are being violated by the applicant, or if the the plans and specifications are not being complied with, the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.

(7) **REISSUANCE.** If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Building Inspector may order done as a condition precedent to the reinstatement of the permit.

SECTION 9: PERMIT APPLICATIONS.

Application for a building permit shall be made in writing upon a form furnished by the Building 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 such building is to be put and such other information as the Building Inspector may require.

SECTION 10: VIOLATIONS AND PENALTIES.

(1) No person shall erect, alter, construct, enlarge, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, or part thereof, or cause or permit the same to be done contrary to or in violation of any of the provisions of this Chapter.

(2) Any violation of this Chapter constitutes a public nuisance and, in addition to any other remedies provided for its enforcement, the Town may bring civil suit to enjoin violations of any provision of this ordinance.

(3) Any person who shall violate any provision or any order made hereunder shall be subject to a forfeiture. This penalty shall be independent and exclusive of the right of the Town Board to revoke any license or permit. The amount of the forfeiture shall be not less than \$100 nor more than \$1,000 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

SECTION 11: BUILDING PERMIT FEE

The building permit fee shall be determined by resolution of the Town Board, and shall include all fees required to be forwarded to the Wisconsin Department of Safety and Professional Services for a Uniform Dwelling Code permit seal for any new dwelling.

SECTION 12: APPEALS.

Except as otherwise provided under Wisconsin Statutes and the Wisconsin Administrative Code, an appeal may be taken to the Town Board of Adjustment by any person aggrieved by a decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision or action complained of by filing with the Town Clerk a notice of appeal, together with the required filing fee, specifying the grounds thereof. Appeals involving raze orders issued under this Chapter and sec, 66.0413, Wis. Stats., shall be made to the circuit court within the time provided by sec. 66.0413, Wis. Stats.

SECTION 13: : VARIANCES

Applications for variance under this Chapter may be sought as permitted under Wisconsin law. As to such applications that are not under the jurisdiction of the Wisconsin Department of Safety and Professional Services, applications for variance from the provisions of this Chapter shall be directed to the Town Board of Adjustment in the same manner as an application for a zoning variance under Chapter 1 of this Code.

SECTION 14: STOP ORDERS.

Wherever any work is being done contrary to the provisions of this ordinance or before having obtained a permit authorized by the Building Inspector, the Building Inspector may order the work stopped by notice in writing served upon the permittee or the permittee's agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Building Inspector to proceed with the work.

No person shall remove a stop order once posted or proceed with work after notice to stop work has been served or posted, and any person who shall remove such notice or continue work after such notice has been posted or served shall be subject to a forfeiture.

SECTION 15: OCCUPANCY CERTIFICATE.

(1) No building constructed for human occupancy or part thereof shall be occupied until the Building Inspector has issued a certificate of occupancy certifying that no violation of this ordinance or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy. The Building Inspector shall send a copy of the certificate of occupancy to the Town Clerk.

(2) When the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building, or any part thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

(3) The Building Inspector may permit the occupancy of buildings, or part thereof, prior to completion where, in his or her judgment and discretion, a particular hardship exists. Such permission shall be in writing and may not be issued until the Building Inspector has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in General Ordinance No. 67 and possible vacation of the building.

SECTION 16: UNSAFE BUILDINGS.

(1) Section 66.0413, Wis. Stats., is hereby adopted by reference and incorporated herein as if it were fully set forth and made a part hereof.

(2) The Building Inspector is empowered to act for the Town under sec, 66.0413, Wis. Stats., relating to condemnation and razing of buildings.

Section 20. GRADING OF LOTS.

(1) Lots and parcels shall be graded to provide for diversion of water away from buildings and structures and in such a manner as to prevent the accumulation of stagnant water.

(2) Where an existing lot grade is changed as a result of construction, regrading, filling or removal of soil, and paving, the grading shall be done in such a manner that water will not be diverted onto adjacent properties.

SECTION 17: ZONING PERMITS.

Obtaining a building permit under this Chapter is not a substitute for obtaining a zoning permit under Chapter 1 of this Municipal Code. Any construction requiring a building permit under this Chapter shall also require the issuance of a zoning permit under Chapter 1.

SECTION 18: SEVERABILITY.

Should any provision in this Chapter or in Chapters SPS 320-325 or 361-366 of the Wisconsin Administrative Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.”

SECTION II: This ordinance shall take effect upon passage and publication as required by law.