

TOWN OF LEEDS

ORDINANCE NO. 001 - 2019

**AN ORDINANCE REPEALING AND RECREATING SECTION 12.01 OF THE
CODE OF ORDINANCES REGARDING BUILDING CONSTRUCTION AND
INSPECTION**

The Town Board of the Town of Leeds, Columbia County, Wisconsin, does ordain as follows:

1. Section 12.01 Uniform Dwelling Code and Building Inspection, is repealed and recreated to now read as follows:

Section 12.01 Building Construction and Inspection

12.01(A) Title/Purpose

The title of this Section is Building Construction and Inspection. The purpose of this Section are as follows:

(1) To require any person to obtain a building permit to build, excavate for, erect or construct certain buildings or structures, to enlarge, remodel, move, or convert, or cause the same to occur;

(2) To provide plan review and on-site inspections performed by inspectors or agencies certified by the Wisconsin Department of Safety and Professional Services ("SPS");

(3) To establish the use of standard building permit forms for new one-family or two-family dwellings as prescribed by SPS;

(4) To establish and collect fees to defray administrative and enforcement costs;
and

(5) To provide remedies and penalties for violations of this Section.

12.01(B) Scope

Except as otherwise provided herein, this Section shall apply to all new buildings and structures constructed within the Town, as well as all additions or alterations to all existing buildings and structures, and to all accessory buildings (such as garages, sheds, swimming pools) whenever built. Plans and inspection will cover excavations, soil erosion, construction,

heating, ventilating, electrical and plumbing. The scope includes the inspection of electrical wiring installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks.

12.01(C) Wisconsin Uniform Dwelling Code Adopted

Chapters SPS 320 through 325, Wisconsin Administrative Code, the State Uniform Dwelling Code ("UDC"), and all amendments, additions, and modifications thereto are adopted in their entirety and incorporated in this Section by reference and shall apply to new one and two family residential buildings and structures, as well as additions or alterations to all existing one and two family residential buildings and structures and to accessory buildings. Any future amendments and revisions to the UDC are also made a part of this Section in the interest of statewide uniformity. A copy of the UDC shall be kept on file in the office of the Building Inspector.

12.01(D) Wisconsin Electrical Code Adopted

Chapter SPS 316 of the Wisconsin Administrative Code, the State Electrical Code, and all amendments, additions, and modifications thereto are adopted in its entirety and incorporated by reference and shall apply to all buildings within the scope of this Ordinance. Any future amendments and revisions to the Electrical Code are also made a part of this Section in the interest of statewide uniformity. A copy of the Electrical Code shall be kept on file in the office of the Building Inspector.

12.01(E) Wisconsin Commercial Building Code Adopted

Chapters SPS 361-366 of the Wisconsin Administrative Code, the State Commercial Building Code ("CBC") are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments and revisions to the CBC are also made a part of this Section in the interest of statewide uniformity. A copy of the CBC shall be kept on file in the office of the Building Inspector.

12.01(F) Method of Enforcement

This Section shall be enforced by using individual municipal enforcement by the Town's Building Inspector or others duly authorized by this Section.

12.01(G) Building Inspector

There is hereby created the position of Building Inspector, who shall have the responsibility to administer and enforce this Section.

(1) Appointment. The Building Inspector shall be appointed by the Town Board and may be a firm or individual. The Building Inspector shall not be a Town employee, but rather an independent contractor. The Building Inspector shall serve at the pleasure of the Town Board for an indefinite term.

(2) Compensation. The Town Board shall, from time to time, establish the compensation basis for the individual or firm serving as Building Inspector.

(3) Qualifications. The Building Inspector shall be certified by the Division of Safety & Buildings, as specified by Wis. Stat. § 101.66(2), in the category of UDC Construction Inspector, Commercial Electrical Inspector, and Commercial Building Inspector, and the inspector or other assistant shall possess the certification categories of UDC, HVAC, UDC Electrical, UDC Plumbing, and Commercial Plumbing Inspector. The Building Inspector shall not be interested, directly or indirectly, in the construction of buildings, in the preparation of plans and specifications therefor, or permanent building equipment in the Town.

(4) General Powers and Duties. The Building Inspector shall be responsible for building inspection and systematic UDC, Electric Code, and CBC enforcement in the Town. The duties of the Building Inspector shall include issuance of building permits, inspection of construction for which a permit has been issued or is required, issuance of plumbing and electrical permits and inspections related thereto. In addition, the Building Inspector shall assist, when necessary or requested, the Town Engineer in the enforcement of the Subdivision and Erosion Control Ordinances. The Building Inspector shall at all reasonable times enter upon any public or private premises for inspection purposes or to prevent violation of Codes. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Application for and acceptance of a building permit shall constitute consent to such entry.

(5) Records. The Building Inspector shall keep a record of all permit applications issued and inspections made. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the State. A record shall also be kept of all condemnations and removals of buildings. The Building Inspector shall make an annual report to the Town Board.

12.01(H) Building Permit Required

(1) Permit Required. No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert, or cause the same to occur, without obtaining a Building Permit as provided for herein. A permit shall not be required, however, in the following circumstances:

(a) Erection of all agricultural accessory buildings or barns, and all

additions, repairs, or improvements thereto regardless of cost or size; or

(b) Repairs or replacements not exceeding \$25,000, provided such repairs or replacements do not affect the structural integrity or strength of the building, involve plumbing or electrical work, and do not change the size, occupancy, fire protection, ventilation, exits or lights of the building or structure.

(2) Application. Any person desiring a Building Permit shall file with the Town Clerk an application therefor in writing on forms to be furnished for that purpose along with the requisite permit fee. No Building Permit shall be issued for the new construction of a garage or other type residential accessory building unless the application also includes the construction of a new residential dwelling. Upon filing, the Town Clerk shall furnish the Building Permit Application to the Building Inspector for processing. The Building Inspector will issue the Building Permit to the owner or the owner's authorized agent. If construction commences prior to the issuance of a Permit, the Permit fee shall be doubled.

(3) Application Forms to be Used. If the application is for a new one-family or two-family dwelling, the Building Inspector shall use forms prescribed by SPS and file a copy of each form with SPS as required under Wis. Stat. § 101.65(3).

(4) Submission of Plans. The applicant shall submit two (2) copies of all plans required by the Wisconsin Administrative Code at the time a building permit application is filed as well as any and all required soil erosion control plans and calculations. In addition, every application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot and block or tract, tax certificate number and street number, if any. Every application shall show the use and occupancy of all parts of existing buildings and such other information as may be required by the Building Inspector or the Town's application. All plans shall bear the name of the architect, engineer or person responsible for their preparation.

(5) Issuance of Permit. If the Building Inspector determines that the building/structure and soil erosion control plans comply with all ordinances, a permit shall be issued after the required fees have been paid. The Building Inspector shall withhold issuance of building permits for any building or premises on which an Erosion Control Plan is required but not yet filed and approved. Also, unless otherwise provided by the Town Board, the Building Inspector shall withhold issuance of building permits for any building or premises in a subdivision which is not serviced by a paved road or which lacks installation of other public improvements required at the time the plat, certified survey map or condominium plat was approved by the Town Board. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector.

(6) Posting of Permit. The issued building permit card shall be posted in a conspicuous place at the building site in public view and available for the Building Inspector to mark.

(7) Occupancy Permit. The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit if no violations exist which could reasonably be expected to affect health or safety.

(8) Permit Lapse. The building permit shall expire two (2) years after issuance if the dwelling's exterior has not been completed.

(9) Permit Validity. No building permit presuming to give authority to violate, or to fail to comply with the provisions of this Section shall be valid except insofar as the work or use which it authorizes is lawful. If errors, subsequent to issuance of a permit, are discovered in the application, plans, specifications or execution of the work, the Building Inspector may rescind the permit and prevent building operations being further carried on thereunder when in violation of this or any other ordinances.

(10) Variances. Requests for variances for the UDC shall be handled as provided in Section SPS 320.19. Requests for variances for the Electric Code (as provided in Section SPS 316.005) and CBC shall be handled as provided in Ch. SPS 303.

12.01(I) Unsafe Buildings

If a building is so old, dilapidated, and out of repair as to be dangerous, unsafe and unsanitary, or otherwise unfit for human habitation, and if it would be unreasonable to repair the building, the Building Inspector shall order the owner to raze or remove the building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by Wis. Stat. § 66.0413.

12.01(J) Permit Fees

Building permit fees to defray administrative and enforcement costs shall be as determined from time to time by the Town Board and posted by the Building Inspector.

12.01(K) Violations and Penalties

When the Building Inspector cites violations of this Section, the violations shall be promptly corrected.

(1) Stop Order. Whenever any construction is being done contrary to a state, county or town code or is being done in an unsafe or dangerous manner, the Building Inspector shall order the work stopped by written notice to any person engaged in doing or

causing such work to be done. A stop order "red-tag" shall be posted at the construction site, and the owner shall be notified personally or in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the Building Inspector authorizes the work to re-start.

(2) Penalties. Penalty for starting work prior to issuance of a fully approved building permit shall be double the normal fee for such work, in addition to all other penalties provided for in this Section 12.01(K). Any person in violation of this Section, the UDC, Electric Code, or CBC shall, upon conviction, be subject to a penalty as provided in Section 3.02 of this Code. Each day that such violation continues will constitute a separate and distinct offense. In addition, the Town may recover any costs incurred by its Building Inspector or Town Engineer in aiding in the enforcement or prosecution under this Chapter. Collection of forfeitures shall conform to Chapter 778 of the Wisconsin Statutes.

(3) Alternate Remedies. The options set forth in (1) and (2) above are alternative procedures. The Town may elect to proceed on any violation under (1), (2) or both, or may assess the penalty set forth in Section 12.01(H).

12.01(L) Appeals

Any person feeling aggrieved by an order of the Building Inspector may, within twenty (20) days thereafter, appeal from such order to the Town Board. The Town Board will follow procedures under Chapter 68, Wisconsin Statutes, to arrive at a final determination. Final determinations related to: (1) the UDC may be reviewed pursuant to Section SPS 320.21; (2) the Electric Code may be reviewed pursuant to Section SPS 316.015; and (3) the CBC may be reviewed pursuant to Section SPS 303.06.

2. The effective date of this Ordinance will be upon passage and publication according to law.

Dated this 11th day of February, 2019.

TOWN OF LEEDS

By: /s/ James Foley
James Foley, Chair

Attest: /s/ Linda Foley
Linda Foley, Clerk