

Title: ORDINANCE NO. 2007-006 CONCERNING BUILDING CODES FOR THE

Effective Date: 4/13/2009

Category: Building Codes

STATE OF WISCONSIN

TOWN OF LAGRANGE WALWORTH COUNTY

ORDINANCE TO REPEAL AND RECREATE ORDINANCE NO. 2007-006 CONCERNING BUILDING CODES FOR THE TOWN OF LAGRANGE

WHEREAS, Town of LaGrange Ordinance No. 2007-006 establishes the Building Code and related fees for the Town of LaGrange; and

WHEREAS, the Town Board has determined that certain revisions are necessary with regard to the Building Code and related fees;

NOW, THEREFORE, the Town Board for the Town of LaGrange, County of Walworth, Wisconsin, do hereby ordain as follows:

SECTION 1: Ordinance No. 2007-006, an Ordinance to Establish Building Codes, is hereby repealed and recreated to read as follows:

I. Authority and Purpose.

This Ordinance is adopted under the authority granted by the Wisconsin Statutes and the village powers granted to the Town Board. The purpose is to promote the public health, safety and welfare by establishing minimum standards for construction, design, alteration, use and occupancy of buildings and structural alterations.

II. Permits Required

A. Compliance, Prior Permit Required.

1. No person shall erect, construct, enlarge, alter, repair, remove, demolish, convert, use or occupy any building or structure or portion of any building or structure in violation of this ordinance; or to cause or allow the same to be done. This applies to contractors and property owners.

2. Prior to commencing any of the work listed in Section II(B) below, the owner or the property on which the work is performed, or the agent of the owner, shall obtain all appropriate permits in accordance with the provisions of this Ordinance.

B. Permits are required for the following:

1. Construction of any new building/structure,

2. Construction of any addition to an existing building/structure,

3. Construction or structural alteration/repair of any deck over 100 square feet,

4. Construction, structural alteration, or repair of any detached garage or accessory structure 500 square feet or greater,

5. Structural alteration or repair of any building/structure,

6. Installation, alteration, or repair of any electrical service,

7. Razing of any building/structure,

8. Installation of swimming pools greater than 4 feet deep.

C. Exemptions from Permits. Notwithstanding the provisions of Sections II(A) and (B) of this Ordinance, no permit is required under this Ordinance for residing, window replacement, reroofing of up to two (2) layers or remodeling where such work does not involve any structural changes.

D. Expiration. Uniform Dwelling Code permits shall be valid for twenty-four (24) months from the date of issuance by the Building Inspector. All other permits shall be valid for twelve (12) months from date of issuance.

E. Posting. The property owner shall post the permit(s) on the outside of the subject building in a location visible from the street and continue such posting from the time of the permit's issuance until the project is completed.

III. Design and Construction Standards.

A. Compliance Required. No new construction of any building/structure, and no addition, alteration or repair to an existing one-family or two-family dwelling not deemed minor repair by the building inspector shall be undertaken except in compliance with this Ordinance. .

B. State Regulations Adopted. The following chapters of the Wisconsin Administrative Code, and any amendments, revisions or modifications thereto, are adopted and incorporated by reference into this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is hereby required or prohibited by this Ordinance in the same manner and to the same extent as set forth in the applicable Administrative Code provision.

Comm 16, Electrical Code,

Comm 20 through 25, Uniform Dwelling Code,

Comm 61 through 65, Commercial Building Code,

Comm 66, Multifamily Code,

Comm 70, Historic Building Code,

Comm 75 through 79, Existing Building Code,

Comm 81 through 86, Plumbing Code.

C. Scope of Uniform Dwelling Code. Wisconsin Administrative Code Chapters Comm 16, 20 through 25, 70 and 81 through 86 are adopted as the standards for design and construction of the following structures:

1. New construction of all 1 and 2 family dwellings,
2. Decks greater than 100 square feet, and
3. Detached garages and detached accessory buildings greater than 500 square feet.

D. Private Swimming Pools greater than 4 feet deep. No permit shall be granted for the construction, placement or alteration of a private swimming pool greater than four feet (4') deep unless all of the following provisions are met:

1. The application shall be accompanied by a duplicate set of plans, which shall be drawn to scale and include the following information:

a. The accurate location of the proposed pool on the property including distances to existing lot lines, buildings and fences, proposed structures or fences, and the location of all underground and overhead electric or telephone lines located on or across the property.

b. The dimensions of the pool and the volume of water in gallons held by such pool.

c. The location proposed to be used for the disposal of wastewater from the pool provided, however, that no direct connection shall be made to any sanitary sewer or septic system.

d. The location and type of fencing to be installed to comply with the requirements of this Ordinance.

e. The location and type of landscaping proposed for the area immediately surrounding the pool.

2. No swimming pool shall be located under any overhead utility lines or over any underground utility lines.

3. Enclosure Required. Every private swimming pool subject to this Section shall, before being filled, be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not readily climbable by small children. All gates shall be self-closing and self-latching. The main building, or any accessory structure, on the site may form part of the enclosure. Any main building or accessory structure that forms a part of the enclosure shall have self-closing and self-latching doors on any door that leads directly to the pool area unless a fence as required in this section is provided between the door and the pool. The sides of above ground pools are acceptable as enclosures, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

IV. Razing Buildings.

Permit Required. No person shall demolish or cause the demolition of any structure exceeding 250 square feet in floor area without having first applied for and obtaining a permit from the Building Inspector.

V. Administration of Ordinance

A. Inspectors Appointed.

The Town Board shall appoint a certified Building Inspector, Electrical Inspector and Plumbing Inspector and shall have the general management and control over all matters pertaining to each of the respective position(s). The Inspectors may appoint subordinate inspectors who are certified to perform the required inspections. When an application for unusual technical design or magnitude of construction is filed, the Inspector may refer the plans and specifications to the Department of Commerce for analysis and recommendations regarding safe design and compliance with this ordinance.

B. Duties of Inspector(s).

The Inspector(s) shall administer and enforce all provisions of this Ordinance and the Wisconsin Administrative Code provisions adopted hereunder, perform all tasks required by the Wisconsin Department of Commerce under all codes covered under Comm. 20.09, and keep records of all applications, plans and permits and fees.

C. Powers of Inspector(s).

Upon application for a permit the applicant authorizes the Inspector(s) and authorized subordinates to enter upon any private or public premises for inspection purposes and may require the production of the permits. No person shall interfere with or refuse access to the premises to the Inspector(s) or subordinate(s) while they are acting in the performance of their official duties. If consent to entry to personal or real properties for inspection purposes has been denied, the Inspector shall, with the aide and assistance of the Town Attorney, obtain a special inspection warrant under Wis. Stat. §§ 66.122 and 66.123.

D. Submission of Plans.

Two sets of building plans shall be submitted to the Inspector(s) for any work requiring a permit under this ordinance provided, however, that the Inspector(s) may, in his or her discretion, require the applicant to submit a 3rd set of plans. If a new structure or addition is proposed, the applicant shall also submit an accurate plot plan or survey map drafted by a registered land surveyor showing the proposed work, existing buildings and lot lines. The Inspector(s) shall review the plans and maps for completeness and compliance with this Ordinance.

E. Fees.

At the time an applicant files an application the applicant shall pay the fees established by motion from time to time by the Town Board. In addition to any other remedy available to the Town under applicable law, double fees may be imposed in the event work is conducted without a permit required under this Ordinance.

F. Issuance of Permit.

The Inspector(s) shall issue the requested permit if the Inspector(s) finds that the proposed work complies with all state, county Town requirements are complied with and additional information requested by the Inspector(s) is provided.

G. Inspections.

1. The Inspector(s) shall perform the following inspections within 48 hours or an agreed upon longer time after receiving a request from the applicant, contractor or property owner:

- a. footing and foundation;
- b. rough carpentry,
- c. rough HVAC,
- d. rough electric,
- e. rough plumbing; and
- f. basement drain tile.

2. Failure to obtain inspections.

A. Construction shall not proceed beyond the point of inspection until the inspection has been completed unless the Inspector(s) fails to make an inspection listed in Section V(G), above, within the time allotted within that Section.

B. When an improvement subject to this Ordinance has been made without the owner, applicant or contractor calling for an inspection or in advance of the allotted time for inspection and when the Inspector(s) cannot examine the concealed work the Inspector(s) may require the property owner make the work visible to the Inspector(s); withhold the occupancy permit or issue a permit upon the certification of a registered professional engineer and all owners that the work complies with this Ordinance and that the owners agree to indemnify and hold the Town and its agents and successors harmless from all liability arising out of the construction of the improvement.

H. Stop Work Order.

The Inspector(s) may issue a stop-work order when such work is being done in violation of any provision of the Town Ordinances. No work shall thereafter be resumed except upon written permission of the building inspector or the Board of Adjustment for the Town of LaGrange.

I. Occupancy Permit.

If the Inspector(s) finds that all work has been performed in compliance with all applicable State, County, and Town statutes, ordinances, rules, and regulations, the Inspector shall issue an occupancy permit. No person may occupy any structure in the Town until an occupancy permit has been issued. If the Inspector(s) find minor matters not complying with this ordinance which are not matters of health and safety, the Inspector may issue a temporary occupancy permit for not more than 90 days. After the grace period for a temporary occupancy permit the noncompliance shall either be corrected or the premises shall not be occupied until full compliance is obtained and an occupancy permit issued.

J. Occupancy Bond

No building permit required by this ordinance shall be issued unless the application is accompanied by a deposit of money to be held by the Town treasurer in amounts to be determined by the Town Board by motion from time to time. If the structure is occupied prior to issuance of an occupancy permit the Town Board may order the bond be forfeited in the amount of the Town's costs of enforcement. If the Inspector issued the occupancy permit prior to occupancy of the structure then the Inspector shall request the bond be returned to the person who paid the bond.

VI. Liability.

No part of this ordinance shall be construed as assuming liability on the part of the Town or its Inspectors or agents for damage or injury of any kind to any person or property by reason of a defect in any building or structure issued a permit under this Ordinance.

VII. Violations.

A. . Any person who fails or neglects to comply with an order of an Inspector(s) issued under this Ordinance shall be guilty of a violation of this ordinance and each day of each violation shall constitute a separate offense.

B. Any person violating any provision of this Ordinance shall upon conviction be subject to a forfeiture of not less than \$10 nor more than \$100 plus the costs of prosecution for each violation.

C. Nothing in this Ordinance shall preclude the Town from commencing or maintaining any action to prevent or remove a violation of any provision of this Ordinance.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. 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.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law

Adopted this 13th of April, 2009.

Approved:

Frank Taylor, Town Chairman

Attest: Crystal Hoffmann