

# **TITLE 15**

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## **Building Code**

**Chapter 1**

**Building Code**

Town of Big Bend

## Title 15 ► Chapter 1

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### Building Code

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#### Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Big Bend" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Wisconsin Uniform Dwelling ("UDC") Code Adopted.** The Wisconsin Uniform Dwelling Code, Chapters SPS 320 to 325, of the Wisconsin Administrative Code, is adopted and incorporated by reference.
- (d) **Scope.**
  - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change.
  - (2) This Code applies to all dwellings, commercial buildings/structures, in ground swimming pools, garages, structures, buildings, and residential accessory buildings.

- (3) This Code does not apply to any building or structure which is less than two hundred (200) square feet and does not have electricity or plumbing.

## Sec. 15-1-2 Building Permits and Inspection.

(a) **Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town and no new building or structure, or any part shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained from the Town Clerk or Building Inspector. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
- a. New buildings and structures, including garages, other accessory buildings, and agricultural buildings.
  - b. Additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure to the building's heating electrical or plumbing systems.
  - d. Any electrical wiring for new construction or remodeling.
  - e. Any HVAC for new construction or remodeling.
  - f. Any plumbing for new construction or remodeling.
  - g. Exempt are normal repairs performed in Subsection (a)(1)e-g.
  - h. Re-roofing is exempt; however, no more than two layers of roofing shall be installed on a roof, unless an engineering report with structural calculations is provided showing such re-roofing is safe.
  - i. Also exempt are re-siding, and finishing of interior surfaces, installation of cabinetry, and minor repair.
  - j. Permits are not required for replacement of major building equipment and appliances such as furnaces, central air conditioners, water heaters, and plumbing, venting, electrical or gas supply systems when altered
- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but which is of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** Repairs 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 existing stairways, exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. **Alterations; When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of

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the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the building or structure is in compliance with the regulations of this Chapter.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building and/or Fire Inspector as appropriate.
- (b) **Application.**
- (1) Application for a building permit shall be made in writing upon a form furnished by the Town Clerk-Treasurer or his/her designee 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 said building is to be put and such other information as the Building Inspector may require.
  - (2) Sanitary permits and county permits, if applicable, must be applied for and received prior to issuance of Town permit by the Clerk-Treasurer.
  - (3) A Uniform Dwelling Code permit application is required by the State of Wisconsin for new dwellings. There is no Town charge associated with this form.
- (c) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board.
- (d) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six months (6) or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.
- (e) **Revocation of Permits.**
- (1) The Fire Inspector, Building Inspector, or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Town Board or its designee shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of

the premises and his/her agent, if any, and on the person having charge of construction.

- (3) A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Building Inspector.
- (4) After the notice is served upon the appropriate persons and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (f) **Report of Violations.** Town officers shall report at once to the Town Clerk-Treasurer any building which is being carried on without a permit as required by this Chapter.
- (g) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

### **Sec. 15-1-3 Unsafe Buildings.**

Whenever the Fire Inspector or Town Board, or its designee, find any building or part thereof within the Town of Big Bend to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

### **Sec. 15-1-4 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons, except the Town operating pursuant to Sec. 66.0413, Wis. Stats., who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Town of Big Bend shall apply for and obtain a demolition permit from the Town of Big Bend Clerk prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
  - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**

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- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Town Board so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than ninety (90) consecutive days after demolition is completed.
- (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration.
- (e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable federal, state, county and local statutes, ordinances and regulations.
- (f) **Miscellaneous Provisions.** All demolitions shall be carried out in compliance with all federal, state, county and local health and safety laws, regulations and ordinances, including but not limited to erosion, dust and pest control.

**Sec. 15-1-5 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Fire Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Fire Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Fire Inspector on the cost thereof.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

### **Sec. 15-1-6 Construction Sites; Maintaining Clean Streets.**

Town streets are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Town of Big Bend will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

### **Sec. 15-1-7 Fees.**

**Fees.** Fees are as shown on the Town Fee Schedule.

### **Sec. 15-1-8 Severability.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

### **Sec. 15-1-9 Penalties and Violations.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. Town employees shall promptly report all such violations to the Town Board which shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed. Violators may also be subject to a penalty as provided in the fee schedule or general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunction at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) Procedures.
  - (1) If an inspection reveals a noncompliance with this Chapter, the Town Clerk-Treasurer shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted by the Town Board.
  - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site.
  - (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.
  - (4) If any construction or work governed by the provisions of this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.

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**Sec. 15-1-10 Appeals**

**Appeals.** Any person feeling aggrieved by an order or a determination of the Building Inspector or Fire Inspector may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.

Town of Big Bend