

ORDINANCE 01-21

Chapter 86

BUILDING CODE

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GENERAL REFERENCES

Driveways -- See Ch. 114.

Erosion control -- See Ch. 122.

Noise -- See Ch. 186, §186-2G.

Streets and sidewalks -- See Ch. 232.

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Vehicles and traffic -- See Ch. 260.

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Subdivision of land -- See Ch. 272.

Zoning -- See Ch. 273.

§86-1. Building Code established.

A. Title. This chapter shall be known as the "Building Code of the Village of Albany" 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 wellbeing of persons occupying or using such buildings and the general public.

C. Scope.

(1) New buildings hereafter erected in or any building hereafter moved within or into the Village 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. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted.

(2) The provisions of this Code supplement the laws of the State of Wisconsin pertaining to construction and use and Village Ordinance Chapter 273, Zoning. Any amendments thereto to the date this Code was adopted and in no way supersede or nullify such laws and Chapter 273.

(3) With the exception of Wis. Admin. Code § SPS 316, in the case of conflict of rules, the most restrictive rule shall apply.

§86-2. Definitions.

A. Addition. An extension or increase in floor area or height of a building or structure.

B. Alteration. Any construction or renovation to an existing structure other than repair or addition.

C. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

D. Code Official. An individual employed by the Village who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. May also be known as "Building Inspector" or "Inspector".

E. Department. The Wisconsin Department of Safety and Professional Services (DSPS).

F. Dwelling. Any building which contains one or 2 dwelling units.

G. Dwelling Unit. A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

H. Farm Building. Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

I. Minor Repair. Any repair valued at less than Five Hundred Dollars (\$500.00), including the fair market value of labor and materials; or any other repair that is performed on any existing building which does not affect room arrangement, light and ventilation, access to or efficiency of any exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No permit is required for work to be performed, which is deemed minor repair.

J. Multi-Family Dwelling. Any building which contains three or more dwelling units.

K. Person. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

L. Repair. The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.

M. Residential Carport. A structure used for storing motorized vehicles that is either freestanding or attached to a dwelling and that has at least 2 sides completely unenclosed.

N. Residential Garage. A freestanding structure accessory to a dwelling used for storing motorized vehicles that has any more than 2 sides completely enclosed.

O. Structure. That which is built or constructed.

P. Utility Building. An accessory or subordinate to the principal or main building on a parcel or lot, which is used, designated or intended for the protection, shelter and enclosure of property. May also be referred to as a storage building.

§86-3. Duties of the Code Official.

A. The Code Official shall enforce and perform all tasks required by the Department and this Code. In addition, the Code Official shall keep a record of all applications for building permits in a book or other prescribed manner for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected, indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings, shall be kept.

B. Subordinates. The Code Official may appoint, as necessary, subordinates as authorized by the Village Board.

C. The Code Official and all subordinate code officials shall possess the required credentials to lawfully inspect all work within the scope of this Code.

§86-4. Adoption of Codes.

A. Uniform Dwelling Code.

(1) General.

(a) The provisions of Wis. Admin. Code § SPS 320 through 325, and all amendments thereto, are hereby adopted and incorporated by reference into this Chapter.

(2) Existing dwellings.

(a) The Wisconsin Uniform Dwelling Code shall also apply to additions and alterations to one and two-family dwellings constructed prior to June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code § SPS 320.19 and 320.21, respectively, shall be decided by the board of appeals as set forth in § 273-92. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the code official is granted the power to apply the results to similar circumstances by precedent.

(3) Roof coverings. Whenever more than twenty-five percent (25%) of the roof covering of a one or two-family dwelling is replaced in any twelve (12) month period, all roof covering shall be in conformity with this chapter.

(4) Decks.

(a) The Wisconsin Uniform Dwelling Code shall also apply to detached decks serving a dwelling and attached or detached decks serving a garage or private swimming pool.

(5) Residential garages and carports.

(a) Notwithstanding § SPS 320.05, Wisconsin Uniform Dwelling code shall also apply to the construction and inspection of residential detached garages and carports.

B. Commercial Building Code.

(1) The provisions of Wis. Admin. Code § SPS 360 through 366 and all amendments thereto, are hereby adopted and incorporated by reference into this Chapter.

C. Electrical Code.

(1) The provisions of Wis. Admin. Code § SPS 316 and all amendments thereto, are hereby adopted and incorporated by reference into this Chapter.

D. Plumbing Code.

(1) The provisions of §145, Wis. Stats., and Wis. Admin. Code § SPS 325, and SPS 381 through SPS 391 and all amendments thereto, are hereby adopted and incorporated by reference into this Chapter.

E. Camping Unit Code.

(1) The provisions of Wis. Admin. Code § SPS 327 related to Camping Units, and all amendments thereto, are hereby adopted and incorporated by reference into this Chapter.

§86-5. Building plans and permits.

A. Permit required.

(1) Building permit. Except as provided in subd. (a), no building or structure of any kind shall be hereafter constructed, erected or moved within or into the Village, and no existing building or structure shall be enlarged, altered, repaired, moved, demolished, razed or occupied within the Village without first securing a permit therefore from the Code Official or their designee.

(a) Exception. Minor work as defined in § 86-1.

(2) Electrical permit. Except as provided in subd. (a) or (b), no electrical work as defined herein shall be installed, altered or repaired without first securing a permit therefore from the Code Official or their designee

(a) Exception 1. Any installation, repair, or maintenance of electrical wiring within an existing industrial facility or an existing manufacturing facility per the requirements of Wis. Stat. §§ 101.82(2m) and 101.875(2); and emergency work in accordance with Wis. Admin. Code § SPS 316.012(1)(b).

(b) Exception 2. Minor repairs or replacements of broken or defective electrical outlets such as luminaires, switches, or receptacles.

(3) Plumbing permit. Except as provided in subd. (a), no plumbing work as defined herein shall be installed or altered or repaired without first securing a permit therefore from the Code Official

(a) Exception. Minor repairs or replacement of standard plumbing fixtures such as faucets, hose bibs, or water closets.

(4) HVAC permit. Except as provided in subd. (a), no HVAC work as defined herein shall be installed or altered or repaired without first securing a permit therefore from the Code Official

(a) Exception. Minor repairs or replacement of standard HVAC fixtures such as grilles, louvers, or thermostatic controls may be made without a permit.

(5) Fire Protection Permit. Except as provided in subd. (a), no fire sprinkler or fire alarm work as defined herein shall be installed or altered or repaired without first securing a permit therefore from the Code Official

(a) Exception. Minor repairs or replacement of standard items such as individual sprinkler heads, smoke or heat devices, or pull stations may be made without a permit.

(6) 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 50% of 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.

(7) 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 regulations of this chapter are complied with.

(8) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Code Official.

B. Dedicated street and approved subdivision required.

(1) 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 Village Board, upon the recommendation of the Plan Commission.

C. Utilities required.

(1) Residential buildings.

(a) No building permit shall be issued for the construction of any dwelling or multi-family dwelling until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.

(b) Each unit of a two-family dwelling shall have separate water service.

(c) A receipt for payment of electrical hookup shall be presented to the Code Official.

(2) Nonresidential building. No building permit shall be issued for the construction of any building other than dwellings or multi-family dwellings until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.

(3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property, and a certificate of occupancy shall not be issued until such utilities are available to service the property.

D. Application. Application for a building permit shall be made, in writing, upon a form furnished by the Code Official or their 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 Code Official may require at a cost to be set by resolution by the Village Board.

E. Plans

(1) Site plans. Applications shall be submitted with two complete sets of site plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on the same side of the street), type of monuments at each corner of the lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans and specifications shall be drawn to a minimum scale of one-quarter inch to one foot. One set of plans shall be returned after approval, as provided in this chapter. The second set shall be filed in the office of the code official.

(2) Building plans. Applications shall be submitted with plans and specifications as required by the applicable statute, administrative code, or any other provisions within this Code as it pertains to the proposed project. The code official reserves the right to request additional plans and specifications as necessary to assure compliance. All plans and specifications shall be drawn to a minimum scale of one-quarter inch to one foot. One set of building plans shall be returned after approval, as provided in this chapter. The second set shall be filed in the office of the code official.

(3) Public buildings and places of employment.

(a) State Approval Required. Except when authority to approve plans has been delegated to the code official, all plans for public buildings or places of employment as defined in § 101.12, Wisconsin Statutes, shall be approved by the Wisconsin Department of Safety and Professional Services and copies thereof submitted to the code official.

F. Approval of plans.

(1) Site plan approval.

(a) All applications for building permits for any construction, reconstruction, expansion or conversion, except for one and two-family residences in residentially zoned districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.

(b) Administration. The Code Official shall make a preliminary review of the application and plans and refer them along with a report of their findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 30 days of its receipt of the application, the Village Board shall authorize the Code Official to issue or refuse a building permit.

(c) Requirements. In acting on any site plan, the Plan Commission shall consider the following:

1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

2. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; and the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

3. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.

4. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.

(d) Effect on municipal services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Code Official or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Village has entered into an agreement with the application regarding the development of such facilities.

(e) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Zoning Board of Appeals by filing a notice of appeal with the Village Clerk-Treasurer as set forth in § 273-92 .

(2) Building plan approval.

(a) If the Code Official determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders or which involves the safety of the building or the occupants, except with the written consent of the Code Official.

G. Issuance of permits.

(1) If the code official determines that the project will comply with this Code and with other applicable ordinances and orders of the Village, they shall issue a permit which shall state the scope of the approved project of which shall be kept and displayed at the site of the project. After being approved, the plans and specifications shall not be altered in any respect of this Code, or which involves the safety of the building or the occupants, except with the written consent of the code official.

(2) In case adequate plans are presented for only part of the project, the code official at their discretion, may issue a permit for that part of the project before receiving the plans and specifications for the entire building.

(3) Payment of Fees. Except as otherwise specifically provided, all permit and inspection fees required under this Code shall be collected by the Code Official prior to the issuance of the permit. No permit or license shall be issued or reissued, or inspection performed, until the required fees are paid.

(4) Monthly Reports. The code official shall make a monthly report of permits issued, fees collected and inspections made, and submit the report and all fees collected to the Village.

H. Display of Permit.

(1) Permits shall be displayed in a conspicuous place on the premises where the authorized work is in progress at all times during construction or work thereon.

I. Permit lapses.

(1) Except as provided in subd. (a) or (b) below, permits issued under this chapter shall lapse and be void unless construction or work thereunder has commenced within six months, or if the project has not been completed within one year from the date of issuance. Construction has commenced if the soil has been excavated to a point where footings or foundation work can begin.

(a) One- and Two-Family Dwellings. Permits for one and two-family dwelling unit construction, remodeling and additions shall be valid for a period of twenty-four (24) months from date of issuance.

(b) Permits for electrical work in accordance with SPS 316.012 shall expire 12 months after the date of issuance, if installation of the electrical wiring has not commenced.

(2) Reissuance of Permits. In the event any work for which a permit was issued is not completed within the time allowed specified herein, then such permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be one-half of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.

J. Revocation of permits.

(1) The code official may revoke any building, plumbing, electrical, HVAC or Fire Protection permit, Certificate of Occupancy, or any other approval issued under the regulations of this Code 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 code official 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 or 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.

(d) Whenever, in the opinion of the code official there is inadequate supervision provided on the job site.

(e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.

(f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the code official for the use of all new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a building, plumbing, electrical, HVAC or fire protection permit, Certificate of Occupancy, or other approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his or her agent, if any, and on the person having charge of construction.

(3) The code official shall also post a revocation placard upon the building, structure, equipment or premises in question.

(4) After the notice is served upon the persons as aforesaid 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 Code, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Code. However, such work as the code official may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he or she may require for the preservation of life and safety.

(5) Appeals of such revocations or suspensions may be taken within the time prescribed by such code to the Village.

K. Failure to obtain a permit.

(1) Commencement of work without first obtaining all required permits shall result in the imposition of additional fees as prescribed in §86-17B.

§86-6. Inspections.

A. Inspection powers. The code official may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, electrical, plumbing, HVAC, or fire protection work. No person shall interfere with or refuse to permit access to any such premises to the code official while in performance of his or her duties. If authorized code officials are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to Section 66.122, Wis. Stats.

B. Inspection disclaimer.

(1) The purpose of inspections under this Code is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspections. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied".

(2) This Code shall not be construed to relieve from or lessen the responsibility or liability of any person supplying to, or selling, renting, leasing, owning, using, operating, controlling, installing,

altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any work covered by the scope of this Code, or any device or equipment or for damages to persons or property caused by any defect therein in therefrom; nor shall the Village, the code official, or their designee be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or re-inspection authorized by the Code, or be reason of the approval or disapproval of and equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. Nor shall the Village, code official, or their designee be held liable for any damages resulting from the enforcement of this Code.

C. Inspection of work.

(1) Unless otherwise specified within this Code, the owner or owner's agent shall notify the code official in a format acceptable to the code official when inspection points as prescribed herein occur.

(2) Unless otherwise specified within this Code, the code official shall conduct all inspections within two business days of the date the inspection was to be ready.

(3) Unless otherwise specified within this Code, the following points of construction shall be inspected:

(a) Footing and foundation. This shall include any grade beams, floating slabs, piers, or electrical grounding taking place within the footing or foundation;

(b) Exterior and interior foundation drain tile;

(c) Under floor electrical, plumbing, HVAC and fire protection;

(d) Rough framing, electrical, plumbing, HVAC and fire protection;

(e) Insulation;

(f) Shower safig; and

(g) Final framing, insulation, electrical, plumbing, HVAC and fire protection.

(h) Final site improvements including but not limited to grading, stormwater systems, or landscaping.

(4) Upon completion of inspection, the code official shall notify the owner or owner's agent of the findings of the inspection. Such notification shall include the date and result of each inspection performed. The notification may be sent via electronic means such as electronic mail or text message or left on site in report form. A copy of the results shall be kept on file in the office of the code official.

§86-7. Certificate of Occupancy.

A. When required. It is unlawful for any person to use or permit the use of any building or premises, or part thereof, hereafter erected, changed, converted or enlarged, wholly or partially, in use or structure until a certificate of occupancy shall have been issued by the Code Official. Such certificate of occupancy shall not be issued until all final inspections under this chapter have been satisfactorily completed.

B. Inspections.

(1) The code official shall make a final inspection of all new buildings, additions, alterations and repairs. If no violations of this chapter or any other ordinance be found, the Code Official shall issue a certificate of occupancy, stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this chapter shall be taken promptly and in no case longer than fourteen (14) days from the date the application is filed with the code official.

(a) No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(b) If the code official determines after final inspection that the building, structure or work has substantially complied in every respect with this Code, they shall officially approve the work and shall issue the certificate of occupancy to the owner or owner's agent.

(c) No person shall alter any plans or specifications in any respect after a permit certificate of occupancy has been issued therefore, except with the written consent of the code official or other authority.

C. Use discontinued.

(1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this chapter, the code official shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on the building owner or any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of the chapter.

(a) Any building, structure, or premises, or any part thereof, hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.

(b) Hardship. The code official shall have the authority and power to permit the occupancy of any building or structure in the Village prior to issuance of an occupancy certificate, in all such case of hardship as in his or her judgment in discretion warrant occupancy before final stage of completion as set forth in this chapter. Before granting such permission, the code official shall first examine the premises and determine if it is safe and sanitary. The code official shall determine the time within which such building or structure can be completed, such time should not exceed one hundred twenty (120) days.

D. Revocation of permits.

(1) The Code Official 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 Code Official 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 them.

(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.
 - (d) Whenever, in the opinion of the Code Official, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Code Official for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy approval shall be in writing and may be served upon the owner of the premises and their 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 Code Official.
- (4) After the notice is served upon the persons as aforesaid 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 therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this chapter. However, such work as the Code Official may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

§86-8. Utility and storage buildings.

A. Construction specifications. No person shall erect, construct, place, locate, add to, enlarge, improve, structurally alter or convert a non-movable utility or storage building upon a lot or parcel within the Village of Albany without having fully complied with the following specifications:

- (1) A building permit is required regardless of cost.
- (2) The building or structure must be anchored in any one of the following ways:
 - (a) A three-inch cement slab shall be poured with anchor bolts to hold the building in place.
 - (b) Cement footings, eight inches by 16 inches, shall be poured with anchor bolts to hold the building in place.
 - (c) Corner posts shall be imbedded in cement eight inches by eight inches by 16 inches and fastened to corners of buildings to hold the building in place.
- (3) Unless designed through engineering analysis, the building shall be designed and constructed to the standards set forth in either the Wisconsin Uniform Dwelling Code, or Wisconsin Commercial Building Code.

§86-9. Farm buildings.

- A. The construction of, addition to, or alteration of farm buildings are exempt from the issuance of a building permit. All other provisions of this Code with regards to any heating, electrical, plumbing or fire protection systems and permits shall apply.

§86-10. New methods and materials.

A. All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved, in writing, by the Department for use in buildings or structures covered by the Code.

B. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Department. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department.

§86-11. Basement; excavations.

A. Basement subflooring. First-floor subflooring shall be completed within 60 days after the basement is excavated.

B. Fencing of excavations. The owner of any premises on which there exists an opening or excavation 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 feet high between such opening or excavation and the public right-of-way.

C. Closing of abandoned excavations. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three months shall be deemed abandoned and a nuisance, and the Code Official 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 consecutive publications at least 10 days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Code Official 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 Village Board from the date of the report by the Code Official on the cost thereof, pursuant to the provisions of §66.05 Stats.

§86-12. Regulations for moving buildings.

A. General requirements.

(1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Code Official and upon the payment of the required fee. Every such permit issued by the Code Official 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.

(2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.

(3) Issuance of a moving permit shall further be conditioned on approval of the moving route by the Village Board.

B. Continuous movement. The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All 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 any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

C. Street repair. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Code Official, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their 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 as good repair as they were before the permit was granted. On the failure of said permittee to do so within 10 days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on their bond responsible for the payment of the same.

D. Conformance with code. No permit shall be issued to move a building within or into the Village and to establish it upon a location within said Village until the Code Official 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 with reference to such building shall be submitted to the Code Official, 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 this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event that a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

E. Bond.

(1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Albany in a sum to be fixed by the Code Official and which shall not be less than \$1,000, said bond to be executed by a corporate surety or two personal sureties to be approved by the Village Board or designated agent, conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Code Official, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by Subsection E(1) shall be further conditioned upon the permittee erecting adequate barriers and, within 48 hours, filling in such

excavation or adopting and employing such other means, devices or methods approved by the Code Official and reasonably adopted or calculated to prevent the occurrences set forth herein.

F. Insurance. The Code Official shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$100,000 and for one accident in a sum not less than \$200,000, together with property damage insurance in a sum not less than \$50,000, or such other coverage as deemed necessary.

§86-13. Unsafe buildings.

Whenever the Code Official, Fire Inspector and the Village Board find any building or part thereof within the Village 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 §66.05 Stats.

§86-14. Regulation and permit for razing buildings.

A. No building within the Village of Albany shall be razed without a permit from the Code Official. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Code Official.

B. All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. Burning on the site will only be allowed with permission from the Fire Chief, or their designee. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

§86-15. Discharge of clear waters.

A. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.

C. Groundwater. Where deemed necessary by the Code Official, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration, and where the building is not serviced by a storm sewer, shall either discharge into an underground conduit leading to a drainage ditch, gutter or dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

E. Storm sewer lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

F. Conducting tests. If the Code Official or their designated agent suspects an illegal clear-water discharge as defined by this chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clearwater discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear-water discharge actually exists.

§86-17. Fees.

A. The fees for plan examination, administrative services, extraordinary services, building, plumbing, electrical, HVAC and fire protection permits shall be as determined by resolution of the Village Board. These fees shall be subject to annual review and amendment.

B. If any construction or work governed by the provisions of this chapter is commenced prior to the issuance of a permit, the above fees shall be tripled.

§86-18. Severability.

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

§86-19. Violations and penalties.

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. The Code Official shall promptly report all such violations to the Village Board and Village Attorney, who 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, and may also be subject to a penalty as provided in Chapter 1, General Provisions, §1-19. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Code Official or other Village officials constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

B. Report of violations. Village officers shall report at once to the Code Official any building which is being carried on without a permit as required by this chapter.

C. Procedure.

(1) If an inspection reveals a noncompliance with this chapter, the Code Official shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification, unless an extension of time is granted pursuant to this chapter or Wis. Admin. Code § SPS 320.10(4).

(2) If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or their or her representative, and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Code Official after satisfactory evidence has been supplied that the cited violation has been corrected.

(3) Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.

D. Any person feeling aggrieved by an order or a determination of the Code Official may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

E. Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of the Village of Albany charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of their duties under this chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

§86-20. Effective Date.

A. This ordinance shall be effective January 13, 2021 upon passage and publication as provided by law.

APPROVED by the Village Board of the Village of Albany this 11th day of January 2021.

Dated this 11th day of January 2021.

Passed this 11th day of January 2021.

Posted this 12th day of January 2021.

SIGNED:


KIM A. BLUMER, President

1-11-2021
DATE

ATTEST: I, Laurie K. Keepers, clerk in and for the Village of Albany do hereby attest that the above and foregoing is a true and correct copy of the Ordinance adopted by the Village Board of the Village of Albany on January 11, 2021.


LAURIE K. KEEPERS, Clerk

1-11-2021
DATE