

Chapter 114

BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 10, Chs. 1 and 2 of the 1984 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings -- See Ch. 118.
Fire prevention -- See Ch. 139.
Mobile homes -- See Ch. 180.
Water and sewers -- See Ch. 270.
Floodplain zoning -- See Ch. 280.

Shoreland-wetland zoning -- See Ch. 290.
Subdivision of land -- See Ch. 295.
Wellhead protection -- See Ch. 305.
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ARTICLE I

Building Regulations

- § 114-1. Permit required; general provisions.**

- A. **General permit requirements.** No building work shall be performed in the Village of Genoa City unless a permit therefore is obtained as required in the provisions of this article.
- B. **Payment of fees.** All fees shall be paid to the Building Inspector. No permit shall be issued to the owner, or his agent, until said fees are paid.
- C. **Permit lapses.** A building permit shall lapse and be void unless operations under the permit are commenced within 60 days from the date of issuance thereof.
- D. **Revocation.** If the Building Inspector shall find at any time that the ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety or property.
- E. **Report of violations.** It shall be the duty of all police officers to report at once to the Building Inspector any building work which is being carried on without a permit as required by this article.
- F. **Records.** The Building Inspector shall keep a record of all permits, fees and inspections. He shall submit to the Village Board on the first of each month a report of permits, to whom issued, value of proposed building, fee, and inspections made during previous month.

§ 114-2. Application for permit; plans and fees.

- A. **Permit required.** No building or any part thereof shall hereafter be erected within the Village of Genoa City or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
- B. **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building, if different, and the legal description of the land upon which the building is to be located and shall contain such other information as the Building Inspector may require for effective enforcement of this section.
- C. **Plans.** With each application there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. The original plan must bear the approval of the Building Inspector. Where water or sewer service will be required, it must

bear approval of the Utilities Committee. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the State Department of Commerce. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as hereinafter provided and the other shall remain on file in the office of the Clerk-Treasurer. All plans and specifications shall be signed by the designer and bear certification by the applicant that all electrical and plumbing work will be installed in compliance with the Wisconsin Administrative Code.

- D. Fees.** The fees for building permits for any construction other than that covered by the One- and Two-Family Dwelling Code of the Village of Genoa City shall be as set forth by the Village Board from time to time.

§ 114-3. Construction standards. [Amended 08-09-2018]

- A. Portions of state code adopted.** SPS 301 through SPS 391, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies.
- B. Dwellings.** The term "dwellings" as used in this section includes every building occupied exclusively as a residence by not more than one family in zoned R-1 area or multiple family in zoned R-2, RDU-1, or MFR-1 area.

§ 114-4. New methods and materials. [Amended 08-09-2018]

- A.** All materials, methods of construction and devices designed for use in buildings or structures covered by this article and not specifically mentioned in or permitted by this article shall not be so used until approved in writing by the Department of safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing 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 of Safety and Professional Services. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Department of Safety and Professional Services.

§ 114-5. Unsafe buildings.

Whenever the Building Inspector and Safety Committee 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 § 66.0413, Wis. Stats.

1. Editor's Note: Original § 10-2-3(b), Conflicts, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provision, Art. II)

§ 114-6. Disclaimer on inspections.

The purpose of the inspections under this article 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, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. 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."

§ 114-7. Violations and penalties.

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this article shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the 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, or to cause such building, structure or use to be removed, and the violator may also be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code. 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 Building Inspector constitute a defense. Compliance with the provisions of this article may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this article.

ARTICLE II One- and Two-Family Dwelling Code

§ 114-9. Title and purpose; repealer. [Amended 08-09-2018]

- A. Title.** This article shall be known as the "One- and Two-Family Dwelling Code of the Village of Genoa City."
- B. Purpose.** The purpose and intent of this article are to:
- (1)** Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings;
 - (2)** Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Safety and Professional Services;
 - (3)** Establish and collect fees to defray administrative and enforcement costs;
 - (4)** Establish remedies and penalties for violations; and

- (5) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Professional Services.

C. Conflicts. Any existing ordinances pertaining to the construction of new dwellings and additions to existing dwellings that conflict with the Uniform Dwelling Code are hereby repealed.

§ 114-10. State Uniform Dwelling Code adopted. [Amended 08-09-2018]

The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. IND 20 to 25, Wis. Adm. Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this article. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this article to secure uniform statewide regulation of one- and two-family dwellings in this Village of the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.

§ 114-11. Definitions. [Amended 08-09-2018]

As used in this article, the following terms shall have the meanings indicated:

ADDITION -- New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION -- A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT -- The Department of Safety and Professional Services.

DWELLING --

A. Any building, the initial construction of which is commenced on or after the effective date of this article, which contains one or two dwelling units; or

B. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

MINOR REPAIR -- Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed a minor repair.

ONE- OR TWO-FAMILY DWELLING -- A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

PERSON -- An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE. Those Administrative provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- A. SPS 320, Administration and Enforcement.
- B. SPS 321, Construction Standards.
- C. SPS 322, Energy Conservation Standards.
- D. SPS 323, Heating, Ventilating and Air Conditioning Standards.
- E. SPS 324, Electrical Standards.
- F. SPS 325, Plumbing and Potable Water Standards.

§ 114-12. Enforcement.

For the purpose of administering and enforcing the provisions of this article and the Uniform Dwelling Code, the Village shall establish the office of Building Inspector which shall be filled by that method prescribed under § 114-13.

§ 114-13. Building Inspector. [Amended 08-09-2018]

- A. **Creation and appointment.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President subject to confirmation by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. SPS 305.60, Wis. Adm. Code.
- B. **Subordinates.** The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Ch. SPS 305, Wis. Adm. Code, by the Department.
- C. **Duties.** The Building Inspector shall administer and enforce all provisions of this article and the Uniform Dwelling Code.
- D. **Powers.** The Building Inspector or an authorized certified agent 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, plumbing, electrical or heating work. No

person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.

- E. Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book 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. The Building Inspector shall make a written annual report to the Village Board relative to these matters.

§ 114-14. Building permits. [Amended 08-09-2018]

- A. Building permits required.** No one- or two-family dwelling of which initial construction shall be commenced after June 1, 1980, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin uniform dwelling permit application, furnished by the Department of Safety and Professional Services.
- B. Repairs and additions requiring permit.** No addition, alteration or repair to an existing one- or two-family dwelling not deemed a minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector.
- C. Submission of plans.** The applicant shall submit two sets of plans for all new or repairs or additions to existing one- or two-family dwellings at the time that the building permit application is filed.
- D. Issuance of permit.** If the Building Inspector finds that the proposed building or repair or addition complies with all Village ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Village Clerk.

§ 114-15. Fees; approval of changes, products or systems.

- A.** At the time the application for a permit is filed, the applicant shall pay the fees as set by the Village Board from time to time.
- B.** The recommended approval of amendments, code changes, products, systems or quality control agencies by the Code Committees and the Wisconsin Uniform Code Associations does not constitute an approval or acceptance by any local community. Such acceptance is a function of local government administered by the designated local officials without

the necessity of submitting further data because it is supported by factual reports describing the nature and use of the product or system and its performance under designated standard tests by recognized testing agencies.

§ 114-16. Violations and penalties. [Amended 08-09-2018]

- A. No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of this article or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this article shall, upon conviction, be subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code².

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

- B. If an inspection reveals a noncompliance with this article or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to SPS 320.21, Wis. Adm. Code.
- C. If, after written notification, the violation is not corrected within 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. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this article or the Uniform Dwelling Code.
- E. If any construction or work governed by the provisions of this article or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

§ 114-17. Appeals.

Any person feeling aggrieved by an order or a determination of the Building Inspector 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.

§ 114-18. Liability for damages.

This article shall not be construed as an assumption of liability by the Village of Genoa City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

§ 114-19. Severability. [Amended 08-09-2018]

If any section, clause, provision or portion of this article or of SPS 320-325, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.