

TOWN OF ELBA, COUNTY OF DODGE

ORDINANCE # 2013-6-10

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**1.1 AUTHORITY.** These regulations are adopted under the authority granted by s.101.65, Wisconsin Statutes.

**1.2 PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Building Code.

**1.3 SCOPE.** Notwithstanding s. SPS 320.05, the scope includes the construction and inspection of alterations and additions to one-and two-family dwellings regardless of the date of construction. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the board of zoning appeals. Petitions for variance shall be decided per s. SPS 320.19 (Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the board of zoning appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

The scope of this ordinance covers all dwellings in the Town of Elba but does not include detached garages or other accessory buildings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

**1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. SPS. 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

**1.5 WISCONSIN COMMERCIAL BUILDING CODE ADOPTED.** Chs. SPS 361-365 Wisconsin Commercial Building Code, Chs. SPS 375-379 Existing Buildings Code, and Ch. SPS 370 Historic Building Code are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. incorporated herein are intended to be made a part of this Code.

**1.6 BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety and Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector and Commercial Building Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

## 1.7 BUILDING PERMITS AND INSPECTIONS.

- (a) *Permit required.* No building of any kind shall be moved within or into the Town of Elba and no new building or structure or any part thereof shall be erected or ground broken for such or enlarged, altered, moved, demolished, razed or used within the Town of Elba except as provided in this article, until a permit shall first have been obtained by the owner or the owner's authorized agent from the building inspector.
- (b) *Alterations and repairs.* The following shall apply to buildings altered or repaired:
1. *Alterations.* When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, rooms, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of such, the existing construction shall be made to conform to the minimum requirements of this article applicable to such occupancy and use and given type of construction.
  2. *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 exit stairways or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use shall be deemed minor repairs.
  3. *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 building or structure shall be permitted without compliance with this article.
  4. *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector.
- (c) *Application for permit.* 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, 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 such building is to be put and such other information as the building inspector may require.
- (d) *Waiver of plans; minor repairs.*
1. *Waiver.* If the building inspector finds that the character of the work is sufficiently described in the application, the building inspector may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$3,000.00.
  2. *Minor Repairs.* The building inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than \$3,000.00, as determined by the building inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (e) *Approval of plans.*
1. If the building inspector determines that the building will comply in every respect with all Town of Elba ordinances and orders and all applicable state laws and orders, the building inspector shall issue a building permit which shall state the use to which the 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 Town of

Elba ordinances or state laws or orders or which involves the safety of the building or the occupants, without written consent of the building inspector.

2. If adequate plans are presented for part of the building only, a permit for that part of the building may be issued at the discretion of the building inspector before receiving the plans and specifications for the entire building.

(f) *Permit Lapses.* A building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 24 months from the date of issuance thereof.

(g) *Revocation of permits.*

1. The building, plumbing, electrical or heating, ventilating and air conditioning (HVAC) inspector may revoke any building, plumbing, heating, ventilating and air conditioning or electrical permit, certificate of occupancy, or approval issued under this article and may stop construction or use of approved new materials, equipment, methods or construction, devices or appliances for any of the following areas:

a. The inspector finds at any time that applicable ordinances, laws, or orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning has been issued to the holder of the permit.

b. The continuance of any construction becomes dangerous to life or property.

c. There is any violation of any condition or provisions of the application for the permit or of the permit.

d. In the opinion of the inspector, there is inadequate supervision provided on the job site.

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

f. There is a violation of any of the conditions of an approval or occupancy given by the inspector 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 or approval shall be in writing and may be served upon the applicant of the permit, upon the owner of the premises and the owner's agent, if any, and upon 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 inspector
4. After the notice is served upon such 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. Before any construction or operation is again resumed, a new permit, as required by this article, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with this article. However, such work as the inspector may order as a condition precedent to the reissuance of the building permit may be performed or such work as the inspector may require for the preservation of life and safety shall be performed.

(h) *Report of violations.* Town of Elba officers shall report at once to the building inspector any building which is being carried on without a permit as required by this article.

- (i) *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.
- (j) *Payment of claims and taxes.* The Town of Elba shall not issue or renew any building permit:
  - 1. For any purposes for which taxes, assessments or other claims of the Town of Elba are delinquent and unpaid.
  - 2. For any person who is delinquent in payment of:
    - a. Any taxes, assessments or other claims owed the Town of Elba; or
    - b. Any forfeiture resulting from a violation of any Town of Elba ordinance.

This denial may be appealed to the board of appeals.

**1.8 BUILDING PERMIT FEE.** The building permit fees shall be determined by Building Inspector Fee Schedule and shall include the cost of the state seal which is assigned to any new dwelling by the Wisconsin Department of Commerce and the fees for the Building Inspector and Inspection Agency.

**1.9 INSPECTION COSTS.** The costs of any inspection required by this ordinance shall be the responsibility of the owner of the property.

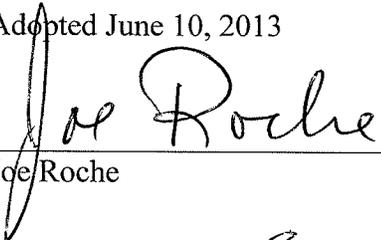
**1.10 PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

**1.11 EFFECTIVE DATE.** This ordinance shall be effective upon passage and publication as provided by law.

TOWN OF ELBA  
DODGE COUNTY, WISCONSIN

The Town Board of the Town of Elba, Dodge County, Wisconsin adopts Ordinance 2013-6-10 the Ordinance for Adoption of the Wisconsin Uniform Dwelling Code and Wisconsin Commercial Building Code.

Adopted June 10, 2013

  
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Joe Roche

Chairman

  
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Paul Walz

Supervisor #1

  
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Roger Parpart

Supervisor #2

ATTEST

  
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Tracy Roche, clerk

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