

Title 15 – Chapter 1

Building Codes

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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 Oshkosh: and will be referred to in this Chapter as “this Code,” this Chapter” or “this Ordinance.”
- (b) **Authority.** These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- (c) **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.
- (d) **Scope.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, and camping units as defined in Wis. Admin. Code § 327.08(9).
 - (1) Accept Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before 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 municipal board of appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19 so that equivalency is maintained to the intent of the rule being petitioned.
 - (2) Not withstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached garages and accessory buildings serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be handled by the municipality.

Sec. 15-1-2 State Uniform Dwelling Code Adopted.

Adoption of the Wisconsin Uniform Dwelling Code. The Wisconsin Uniform Dwelling Code, §§ SPS 320-325 and § SPS 327, and their successors, of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

Sec. 15-1-3 Building Inspector.

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 Industry Services, as specified by Wis. Stat. § 101.66(2), in the category of Uniform

Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

- (1) The town may hire a Building Permit Administrator if necessary to assist in the permitting process.

Sec. 15-1-4 Building Permit Required.

Building Permit Required. If a person alters a building in any twelve-month period, or builds or installs a new building, within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector or a designated building permit administrator. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

- (a) **Agricultural and Commercial Buildings.** Building permits are required for all agricultural or commercial buildings.
- (b) **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.
- (c) **Submitted Plans.** With applications for new structure or detached structure or an addition, there shall be submitted two (2) complete sets of printed plans and specifications or digitized file and email submitted, 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 Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, 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, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to (1) foot]. One (1) set of printed plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the Department of Safety and Professional Services (DSPS). One (1) plan shall be submitted which shall

remain on file in the office of the Building Inspector. All plans and specifications shall be signed or otherwise authorized by the designer.

(d) **Approval of Project Plans.**

- (1) If the Building Inspector, or his/her designee, determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Town, he/she 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 Building Inspector, or his/her designee.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, or his/her designee, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(e) **Waiver of Plans; Minor Repairs.**

- (1) **Waiver.** If the Building Inspector, or his/her designee, finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work of the project is routine maintenance that is determined at the discretion of the building inspector.
- (2) **Minor Repairs.** The Building Inspector, or his/her designee, may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, or his/her designee, 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.

Sec. 15-1-5 Conducting Inspections.

- (a) The contractor shall notify the Building Inspector, or his/her designee, when ready for inspections and the Building Inspector, or his/her designee, may inspect after notification all buildings at the following states of construction:
 1. Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
 2. General framing, rough electrical, plumbing, and heating;
 3. Electrical Service;
 4. Insulation; and

5. Completion of the structure.

- (b) The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the footing forms, before the foundation is backfilled, and again when ready for wall covering (drywall or plaster). The Building Inspector, Heating Inspector, Plumbing Inspector, and Electrical Inspector shall make a final inspection of all new buildings, additions and alterations. If no violation so the Wisconsin Uniform Dwelling Code or this Chapter is found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. No building or part thereof shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner, which conflicts with the conditions put forth on the certificate of occupancy.
- (c) **Inspection Powers.** The Building Inspector, or his/her designee, 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, HVAC or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector, or his/her designee, while in performance of his/her duties. If authorized Town inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to §66.122, Wis. Stats.
- (d) **Disclaimer on Inspections.** The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Oshkosh. 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 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."

Sec. 15-1-6 Building Permit Fee.

Building Permit Fee. The building permit fees shall be determined by resolution and shall include the applicable fee per Wis. Admin. Code § SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Admin. Code § SPS 327.09 and inspection fees as outlined within Wis. Admin. Code § 327.10(3) will also be included in this resolution.

Sec. 15-1-7 Certificate of Occupancy.

- (a) **New Buildings.** No building hereafter erected shall be used or occupied in whole or in part until all inspections required hereunder have been made and the Building Inspector has issued a Certificate of Use and Occupancy upon such forms as may be designated by the Building Inspector.
- (b) **Buildings Altered.** No building hereafter enlarged, extended, or altered to change from one use to another, in whole or in part, and no building hereafter altered for which a Certificate of Use and Occupancy has not been issued heretofore, shall be occupied or used until a certificate certifying that the work has been completed per the provisions of the approved permit.
- (c) **Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Use and Occupancy provided there are no violations of law or orders of the building officials pending and it is established that the alleged use of the building has heretofore existed. Nothing in this Code shall prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.
- (d) **Temporary Occupancy.** Upon the request of the holder of a building permit, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

Sec. 15-1-8 Revocation of Permits.

- (a) **Revocation of Permits.** The Building Inspector, or his/her designee, 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:
 - (1) Whenever the Building Inspector, or his/her 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.
 - (2) Whenever the continuance of any construction becomes dangerous to life or property.
 - (3) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

- (4) Whenever, in the opinion of the Building Inspector, or his/her designee, there is inadequate supervision provided on the job site.
 - (5) 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.
 - (6) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector, or his/her designee, for the use of all new materials, equipment, methods or construction devices or appliances.
- (b) The notice revoking a building, plumbing, HVAC 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.
- (1) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or his/her designee.
 - (2) 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 regulation of this Chapter. However, such work as the Building Inspector, or his/her designee, may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

Sec. 15-1-9 Unsafe Buildings.

Whenever the Town Board, upon the inspection and report of the Building Inspector, or his/her designee, finds any building or part thereof within the Town to be, in its 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, the Town Board may order the owner to raze and remove such building or part thereof or, it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Town Board shall give specific reasons for its determination. Such order and proceedings shall be as provided in §66.05, Wis. Stats.

Sec. 15-1-10 Regulation and Permit for Razing Buildings.

- (a) No building within the Town of Oshkosh shall be razed without a permit from the Building Inspector, or his/her designee. 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 (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector, or his/her designee.
- (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. There shall not be any burning of materials on the site of the razed building. 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.

Sec. 15-1-11 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 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.
- (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 Building Inspector, or his/her designee, 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, here 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 Building Inspector, or his/her designee, 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 Building Inspector, or his/her designee, on the cost thereof, pursuant to provisions of §66.60, Wis. Stats.

- (d) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector, or his/her designee, shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector, or his/her designee, to condemn and raze said building or structure in accordance with the applicable provisions of §66.05(2)(a), Wis. Stats.

Sec. 15-1-12 Regulations for Moving Buildings.

(a) **General Requirements.**

- (1) No person shall move any building or structure upon any of the public ways of the Town of Oshkosh without first obtaining a permit therefore from the Building Inspector, or his/her designee, and upon payment of the required fee. Every such permit issued by the Building Inspector, or his/her designee, 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 the Town employees with regard to possible damage to landscaping. The mover shall be liable for any damage to landscaping along the route (i.e., trees, shrubs, sod, etc.)
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board and Sheriff's Department.

- (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 (1) day after said building reaches its destination, report that fact to the Town Chairperson or his/her designee, inspect the streets or roads 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 the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector, or his/her designee, has made an investigation of such building at the location from which it is to be moved and it 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 Building Inspector, or his/her designee, and he/she 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 a building is to be moved from the Town 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 Town, the party applying therefore shall give a bond to the town of Oshkosh in a sum to be fixed by the Building Inspector, or his/her designee, and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by its in connection with any claims for damages to any persons or property, and the payment of any judgment

together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, or his/her designee, 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 twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector, or his/her designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector, or his/her designee, shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

Sec. 15-1-13 Records.

Records. The municipality shall keep a record of all inspections completed and retain such records, in accordance with Wis. Admin. Code § SPS 320.10(6). File UDC permits with the Wisconsin Department of Safety and Professional Services in accordance with Wis. Admin. Code § SPS 320.09(2)(a)2.

Sec. 15-1-14 Penalties.

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.