

ORDINANCE NO. 37

Building Code – Town of Brussels

1.01 AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to Section 60.12(1)(c), 60.22, 101.65, 101.76, and 010.761 of the Wisconsin statutes.

1.02 PURPOSE

The purpose of this Code is to promote the health, safety, and general welfare within our community, to protect property values and provide for orderly, appropriate development and growth of the community.

1.03 FORCE and EFFECT

This code applies to all lands in the Town of Brussels. If the provisions of this Code conflict with County, State or Federal regulations, the most restrictive shall prevail.

1.04 DEFINITIONS

As used in the Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

1) Building. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose.

2) Building Inspector. The individual(s) or firm appointed by the Town to exercise all of the powers and duties of a building inspector under Wisconsin law.

3) Construction. Any part or portion of the activity of installing, locating, siting, erecting or raising a building.

4) Contractor. Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies and materials.

5) Demolition. The activity of completely or partially destroying a previously erected or constructed building.

6) Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

7) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

8) Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence shall constitute occupancy.

9) Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

10) Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.

11) 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 esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

12) Stop work order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

1.05 SCOPE

This Code applies to all new 1 & 2 family dwellings, additions, remodels and commercial buildings. Notwithstanding this section, this ordinance shall not apply to agricultural buildings and children's play structures.

1.06 BUILDING PERMITS

1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a required permit from the Town of Brussels Building Inspector.

2) Construction which shall require a building permit includes, but is not limited to:

a) New 1 & 2 Family Dwellings and Commercial Buildings

b) New 1 & 2 Family Accessory Buildings over 200 sq. feet

Note: Accessory structures may not require a permit requester to be certified as a dwelling contractor or dwelling contractor qualifier to obtain a permit.

c) Additions and Remodels. A permit and inspection is required for all increased square footage and or structural change (any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines) for any one or two family dwellings.

Note: Repairs of a structure may not require a dwelling contractor or dwelling contractor qualifier to obtain a permit.

d) Any electrical wiring for new construction of 1 & 2 family dwellings, additions and remodels.

- e) Any HVAC for new construction of 1 & 2 family dwellings, additions and remodels.
 - f) Any plumbing for new construction of 1 & 2 family dwellings, additions and remodels.
- 3) The following construction activities shall not require a building permit but do require a zoning permit issued by the Town Zoning Administrator or their designee.
- a) Agricultural Buildings.
 - b) 1 & 2 Family Accessory Buildings under 200 sq. feet.
- 4) The following construction activities shall not require a buildings permit but do require an administrative permit issued by the Town or their designee.
- a) Re-siding , re-roofing if it changes the roof lines or applies a metal roof. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

1.07 ADOPTION OF STATE CODES

- 1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Town and shall be enforced by the Town or their designee.

Ch. SPS 302 Plan Review fee Schedule

Ch. SPS 305 Credentials

Ch. SPS 316 Electrical Code

Chs. SPS 320-325 Uniform Dwelling Code

Chs. SPS 327.06 Camping Units

Ch. SPS 360 Erosion Control. Sediment Control & Storm Water Management Chs. SPS 361-366 Commercial Building Code

Chs. SPS 375-79 Buildings Constructed Prior to 1914

Chs. SPS 381-387 Uniform Plumbing Code

1.08 SCOPE OF UNIFORM DWELLING CODE EXPANDED

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- 1) Additions and alterations for one and two family dwellings built prior to June 1, 1980.

1.09 CERTIFIED MUNICIPALITY STATUS

- 1) Certified Municipality. The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

a) Responsibilities. The Town shall assume the following responsibilities for the Department of Commerce:

1. Provide inspection of commercial buildings with certified commercial building inspectors.

b) Plan Examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. A new building or structure containing less than 50,000 cubic feet of total volume.

2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.

3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

4. An alteration of a space involving less than 100,000 cubic feet of total volume.

5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.

6. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

c) Plan Submission Procedures. All commercial buildings, structures and alterations require plan submission as follows:

1. Building permit application

2. Application for review – SBD-118, as amended

- a. Fees per Table 302.31-2 and SPS 302.31, as amended

- b. Fees apply to all commercial projects

3. Four (4) sets of plans

- a. Signed and sealed per SPS 361.31, as amended

- b. One (1) set of specifications

- c. Component and system plans

- d. Calculations showing code compliance

1.10 BUILDING – HVAC – ELECTRICAL and PLUMBING INSPECTOR

1) Creation and Appointment. There is hereby created the position of Building Inspector. The Building Inspector shall be appointed by the Town of Brussels. The Building Inspector shall be certified for

inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code, as amended.

2) Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, as amended by the Department.

3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.

4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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 Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats., as amended.

5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- a) Footing
- b) Foundation
- c) Rough Carpentry, HVAC, Electric and Plumbing
- d) Drain tile/Basement Floor
- e) Under floor Plumbing
- f) Electric Service
- g) Insulation
- h) Final Carpentry, HVAC, Electric & Plumbing
- i) Erosion Control

6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.

7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in Sec. 1.07. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

1.11 SUBMISSION OF PLANS

The owner or contractor shall, with respect to any proposed construction, submit two sets of building plans to the Building Inspector for any work which expands the size of a building, any new building or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

1.12 ISSUANCE OF PERMIT

- 1) The Building Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. A permit may be extended up to one year with the Building Inspector's approval and payment of permit fees.
- 2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction will occur.
- 3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- 4) No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.
- 5) No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.
- 6) It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

1.13 OCCUPANCY PERMIT

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Building Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

1.14 FEES

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Town of Brussels. If work commences prior to permit issuance, the permit fee shall double.

1.15 VIOLATIONS and PENALTIES

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution, and actual attorney fees incurred in enforcement.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Building Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

1.16 STOPWORK ORDER

The Town Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the Town. The Town shall hear the appeal within seven days. The Town shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

1.17 VARIANCE

The Town Board shall hear requests for variances from the building code to the extent the Town Board has authority to hear and grant variances. The Town Board shall approve, conditionally approve, or deny a requested variance. The Town may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

1.18 APPEALS

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town Board will follow procedures explained in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21, as amended.

1.19 DISCLAIMER and NON-LIABILITY for DAMAGES

This ordinance shall not be construed as an assumption of liability by the Town or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

1.20 SEVERABILITY

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or

portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

1.21 EFFECTIVE DATE. This ordinance shall be effective ____6/13/2018____, upon passage and publication as provided by law.

Adopted this ____13th____ day of ____June____, 2018.

____s/Joe Wautier_____

Joe Wautier, Chairman, Town of Brussels

Attest:

____s/JoAnn Neinas_____

JoAnn Neinas, Town Clerk