

# **CHAPTER 14**

## **BUILDING CODE**

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## **14.00 INTENT.**

The intent of this building code shall be to ensure that new structures built in Ephraim meet certain standards of construction and all appropriate state codes. Further, it is believed that, during construction, regular evaluations by a licensed building inspector are in the best interest of both the property owner and the community. This is especially so in a community where non-resident property owners building seasonal dwellings are not available to visit the construction site on a regular basis. These regulations are adopted under the statutory authority granted pursuant to Sections §101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes. All new construction in the Village of Ephraim shall be subject to regular inspections by a licensed building inspector engaged or authorized by the village to carry out such inspections (for details, see §14.04 and §14.05 below).

## **14.01 DEFINITIONS.**

The definitions apply specifically to the use of certain words in this chapter, as set forth in §17.09 and §18.03 of this Code of Ordinances.

## **14.02 GENERAL INFORMATION.**

1. **A CERTIFICATE OF USE** is also required for any change of use of a property involving the building of structures. An occupancy permit is required prior to the occupancy of any newly completed or remodeled structure or the whole or any part of any building that has not been continuously occupied for the previous twelve (12) months.
2. **WASTE DISPOSAL AND WATER SUPPLY.** No application for a permit shall be considered by the Building Inspector and Zoning Administrator without evidence that County and/or State health and sanitation approval has been granted for a sanitary waste disposal system and water supply. Further, no permit shall be considered without a letter from the Ephraim Utilities Committee approving sanitary waste disposal for the development.
3. **CONSTRUCTION PARKING.** Because of safety issues related to increased traffic and vehicle congestion associated with property improvements, a construction parking plan shall be a part of the permitting process for all building and zoning permit applications in the Village of Ephraim. The parking plan must illustrate either available on-site parking or refer to available public parking. Construction parking is not allowed on any Village street regardless of proximity to the construction project unless public parking areas have been designated by striping. Parking in these designated areas may not exceed forty-eight (48) hours. (Passed 7/11/05)
4. **ISSUANCE OF PERMITS.** The Zoning Administrator and the Plan Committee will determine that a proposed building or structure and the use for which it is intended, or that the contemplated use of a property or premises, complies in every respect with all ordinances of the Village and State Statutes. Once the required fees have been paid, the Zoning Administrator shall forward to the Building Inspector the appropriate sets of plans along with recommendations of the Plan Committee. Once the Building Inspector has approved the project, with the concurrence of the Zoning Administrator, the Village will officially approve the construction and issue the appropriate permit(s).
5. **REFUSAL OF PERMIT AND APPEALS.** If in the opinion of the Zoning Administrator and/or Plan Committee, in consultation with the Building Inspector as appropriate, the facts presented do not justify the issuance of a building permit, the applicant may petition the Board of Appeals for a final decision. Such appeal shall be accompanied by all pertinent data, including the application, plans and descriptions, and the reasons for refusal. Such data shall be assembled and forwarded to the Board of Appeals by the Zoning Administrator. If the

applicant requests a variance from the requirements of this chapter, it must be presented on a form entitled "Petition to the Board of Appeals, Request for Variance." The Village shall comply with the determination of the Board of Appeals.

6. **FEES.** All fees for permits and building inspection services are to be established and posted by the Village Board and may be changed from time to time. They are included herein as Appendix A and Appendix B.
7. **BUILDING PERMIT EXPIRATION.** A building permit shall expire six (6) months after the date of issuance should no construction commence during that period. A valid building permit shall expire twelve (12) months after the date of issuance, except in the case of projects covered by the UDC, or unless an extension of time is requested in writing prior to the expiration by the owner or his agent and is approved by the Plan Committee or its agent so designated. All exterior work shall be completed within twelve (12) months of issuance. Should the permit expire prior to project completion or should an extension of the permit be requested by the owner or his agent, the fee accompanying the new permit shall reflect only the unfinished portion of the original project and said new permit shall expire six (6) months from the date of issuance. (passed 6-10-02)
8. **REVOCATION.** If the Zoning Administrator and/or Plan Committee, with the concurrence of the Building Inspector, shall find at any time that the applicable ordinances, laws, orders, and regulations 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/her, it shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, no person shall do any further work thereunder until the permit is reissued, excepting such work as the Zoning Administrator or 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 and safety of human life or property. If any violations of this chapter or other chapters of this Code are found which do not jeopardize public health or safety, they shall be ordered corrected within thirty (30) days of the date of issuance of the certificate of occupancy.
9. **RECORDS.** As permanent records, the Zoning Administrator shall keep a copy of all building permits and certificates of use/occupancy issued and shall furnish additional copies to the Village Clerk, Building Inspector, and Assessor.
10. **REPORTS.** The Building Inspector shall make a monthly report to the Village Board of the status of permits issued and all inspections made.
11. **FIRE HAZARDS.**
  - a. Roofing Materials. In original construction, roof covering materials shall be fire-resistant to provide protection against flying embers and to avoid the spread of fire to nearby buildings.
  - b. Chimneys. Chimneys shall meet the requirements of Ch. 64, Wis. Adm.Code.
  - c. Hot Pipes. Pipes carrying smoke, steam, or hot water at temperatures exceeding one hundred and eight degrees Fahrenheit (180° F) shall meet the requirements of Chs. 51 and 64, Wis. Adm. Code.
12. **REGULATION OF EXTERIOR DESIGN.** No permit for construction, alteration, or moving of any building or structure shall be issued if in the opinion of the and/or the Plan Committee the exterior design or appearance of the proposed building or structure will, when erected, be so at variance with or so similar to the exterior design or appearance of structures already constructed or in the course of construction in the immediate neighborhood, or is so aesthetically objectionable that its erection would tend to defeat the intent of this chapter and materially impair other property values in the neighborhood.

13. **TEMPORARY STRUCTURES.** When it is deemed necessary by a person, contractor, or subcontractor in charge of construction to have a temporary structure as a necessary aid to such construction - but not to be used as temporary living quarters - a request for a permit shall be granted in writing by the Zoning Administrator with a date for removal of such temporary structure from the site of up to "fifteen (15) days after the end of construction".
14. **SANITARY FACILITIES.** A temporary privy shall be used until construction is complete.

## **14.03 BUILDING AND MECHANICAL CODE.**

1. **IIL 1-1-01 Authority.** These regulations are adopted under the statutory authority granted pursuant to Sections §101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.
2. **IIL 1-1-02 Purpose.** The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values, and provide for orderly, appropriate development and growth of the community.
3. **IIL 1-1-03 Definitions.** As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

**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. The term does not include children's play structures, agricultural barns, agricultural sheds, or agricultural accessory buildings.

**BUILDING INSPECTOR**. The individual(s) or firm appointed by the Village to exercise all of the powers and duties of a building inspector under Wisconsin law.

**CONSTRUCTION**. Any part or portion of the activity of installing, locating, siting, erecting, or raising a building.

**CONTRACTOR**. Any person, firm, or entity that undertakes any activity related to the construction of a building other than the mere provision of supplies, or materials.

**DEMOLITION**. The activity of completely or partially destroying a previously erected or constructed building.

**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.

**GARAGE, PRIVATE**. A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.

**GARAGE, PUBLIC**. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.

**HVAC**. An acronym that 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.

**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 the

utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

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

**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.

**REPAIRS.** Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve 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.

**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.

#### **14.04 SCOPE (IIL 1-1-04).**

This Code applies to all new construction of dwellings, Commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings that require footings and/or a foundation, or of a size that the Planning Committee determines requires Inspection. Notwithstanding this section, this ordinance shall not apply to children's play structures.

#### **14.05 PERMIT REQUIRED (IIL 1-1-05).**

1. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector. Further, no ground may be broken, nor shall trees be cut on the site, until a paid building permit and/or land disturbance permit has been obtained.
2. The construction which shall require a building permit includes, but is not limited to:
  - a. New buildings, detached structures (decks), and detached accessory buildings.
  - b. Additions that increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
  - d. Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted in (3)(b) below.
  - e. Alteration of plumbing, venting, electrical, or gas supply systems.
  - f. Any electrical wiring for new construction or remodeling.
  - g. Any HVAC for new construction or remodeling.
  - h. Any plumbing for new construction or remodeling.
3. The following construction activities shall not require a building permit:
  - a. Re-siding, re-roofing, and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Zoning Administrator. Any repairs or

alterations which are less than two thousand dollars (\$2,000.00) in total cost (labor and materials), and do not affect the occupancy, area, structural strength, fire protection, exits, or ventilation of a building notwithstanding this section, however, a permit accompanied by structural load-bearing calculations may be requested by the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

- b. Normal repairs of HVAC, plumbing, and electrical equipment or systems such as replacing switches, receptacles, and fixtures.

#### **14.06 ADOPTION OF CODES (IIL 1-1-06).**

1. The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector.
  - a. Chapter SPS 302.31 - Plan Review Fee Schedule.
  - b. Chapter SPS 305 - Credentials.
  - c. Chapter SPS 316 - Electrical Code.
  - d. Chapters SPS 320-325 - Uniform Dwelling Code.
  - e. Chapters SPS 361-366 - Commercial Building and HVAC Code.
  - f. Chapter SPS 366 - Historic Building Code.
  - g. Chapters SPS 375-379 - Buildings Constructed Prior to 1914.
  - h. Chapters SPS 381-387 - Uniform Plumbing Code.
  - i. Chapter SPS 360 - Erosion Control, Sediment Control & Storm Water Management.
2. Any local building codes or requirements other than those contained herein are repealed.

#### **14.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED (IIL 1-1-07).**

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

1. Additions, alterations, and major equipment replacements for one and two-family dwellings built prior to June 1, 1980.
2. Detached garages greater than two hundred square feet (200 sq. ft.) serving one and two-family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide, and eight (8) inches below the top of the slab. (Exempted are "frost-free footings" for detached residential accessory buildings) COMM 22 shall not apply.
3. With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed, they shall follow (2) above and/or COMM 21.
4. Detached accessory buildings greater than 400 sq. ft. constructed off-site or site-built shall follow section 1) above for the foundation and are required to meet the following framing standards:
  - a. Foundation to wall anchor bolts shall meet the requirements listed in SPS 321.18.
  - b. Framing for wall, roof, and ceiling assemblies shall be designed and constructed to the

live loads, snow, and wind loads as specified in SPS 321.02.

- c. Wall stud configuration and allowable header spans shall comply with the requirements of SPS 321.25.
- d. Roof design and framing shall comply with SPS 321.2 with weather protection per SPS 321.28.
- e. Safety glass shall be installed where required in windows and doors per SPS 321.05(3).
- f. Stairways to second floors or attic storage rooms with a ceiling height of seven feet or more shall be constructed to the stairway, guardrail, and handrail requirements of
- g. SPS 321.04.

#### **14.08 CERTIFIED MUNICIPALITY STATUS (IIL 1-1-08).**

The Village has adopted the Certified Municipality Statute as described in SPS 361.60 of the Wisconsin Administrative Code.

#### **14.09 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR (IIL 1-1-09).**

1. **CREATION AND APPOINTMENT.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, of the Wisconsin Adm. Code.
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 of the Wisconsin Adm. Code, 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 §66.122, Stats.
5. **INSPECTIONS.** In order to permit inspection of a building project at all necessary phases without causing a 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 forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable. The inspections include:
  - a. Footings.
  - b. Foundation.
  - c. Rough Carpentry, HVAC, Electric and Plumbing.
  - d. Drintile/Basement Floor.
  - e. Underfloor 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 1-1-06. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

#### **14.10 ISSUANCE OF PERMIT (IIL 1-1-11) (SEE 14.02(4)).**

1. **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 or demolition will occur.
2. **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.

#### **14.11 COMPLETION DEPOSIT REQUIRED (IIL 1-1-12).**

A deposit of four hundred dollars (\$400.00) is required for all projects whose total cost, including labor, materials, and supplies, will equal or exceed fifteen thousand dollars (\$15,000.00). The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within one (1) year of the date the permit is issued.

#### **14.12 OCCUPANCY PERMIT (IIL 1-1-13).**

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the 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 thirty (30) days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

#### **14.13 UNSAFE BUILDINGS (IIL 1-1-14).**

Whenever the Building Inspector determines that any building or structure is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section §66.05(5), Wis. Stats.

#### **14.14 RAZING AND DEMOLITION (IIL 1-1-15).**

1. **DEMOLITION PERMIT REQUIRED.** No person, firm, or entity may cause the demolition of any structure or part of a structure greater than four hundred square feet (400 sq. ft.) in an area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm, or entity may undertake any steps to demolish the structure prior

to receiving a permit. Certain restrictions on the razing of structures exist when the building is in the Historic District. See §17.15(13).

2. **APPLICATION.** An application for a permit to demolish all or part of a building shall include the following information:
  - a. The name and address of the owner of the building on the date of application and, if different, on the date of demolition;
  - b. The name, address, and telephone number of the contractor(s) performing the demolition work;
  - c. The date upon which demolition is to commence;
  - d. The date by which demolition shall be complete;
  - e. A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 706, Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Sec. NR 445, Wisconsin Administrative Code), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
  - f. A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
  - g. A description of the method of demolition to be used; and
  - h. A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - i. Along with the application for a permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
3. **DEMOLITION.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
4. **CLEARING AND LEVELING THE SITE.**
  - a. The site of any demolition shall be properly cleared of debris, rubbish, and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded, or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded, and leveled off, not later than thirty (30) consecutive days after demolition is completed.
  - b. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner, or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
  - c. It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within seventy-two

(72) hours after written notice; the permit holder, owner, or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. aid opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Clerk at least forty-eight (48) hours before filling of the excavation commences.

5. **REMOVAL AND DISPOSAL.** Removal, transportation, and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal, and local statutes, ordinances, and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation, or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

#### **14.15 MOVING BUILDINGS (IIL 1-1-16).**

1. **GENERAL.** No person shall move any building or structure upon any of the public rights-of-way of the Village without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector 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. **MOVING DAMAGED BUILDINGS.** No building shall be repaired, altered, or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value. No permit shall be granted to repair, alter, or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings within one thousand feet (1,000') of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within twenty percent ( 20%) of the lowest equalized value of any of the surrounding buildings.
3. **CONTINUOUS MOVEMENT.** The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of 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 a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
4. **STREET REPAIR/INSPECTION.** Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Superintendent of Public Works on an inspection of the route the building will travel within the Village limits. The applicant shall, within one (1) day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Superintendent of Public Works, inspect the streets and highways over which said building has been moved and ascertain the 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 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 governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.
5. **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 the said Village until the Building Inspector 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 Building Inspector, 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 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 Village to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

**6. CASH DEPOSIT.**

- a. Before a permit is issued to move any building over any public way in this Village, the party applying for said permit shall make a cash deposit to the Village in a sum, to be fixed by the Village, which sum shall not be less than five thousand dollars (\$5,000.00). Said cash deposit shall be held for indemnification of the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued. The cash deposit shall be refunded if after the building is moved and the Building Inspector and Supervisor of Public Works have found that the permit was complied with and no damages were caused by the move.
- b. The cash deposit refund process required by (a) 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 and reasonably adopted or calculated to prevent the occurrences set forth herein. The Building Inspector may waive the timelines in this paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under twelve (12) years of age.

7. **INSURANCE.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than five hundred thousand dollars (\$500,000) and for one (1) accident, aggregate not less than one million dollars (\$1,000,000), together with property damage insurance in a sum not less than five hundred thousand dollars (\$500,000), or such other coverage as deemed necessary.

**8. VILLAGE RESPONSIBILITIES.**

- a. Before any permit to relocate a building may be issued, the Planning Committee and/or Zoning Administrator shall examine the application for the permit and approve the application by a majority vote.
- b. The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.
- c. The Planning Committee and/or Zoning Administrator shall not grant a permit unless they have taken a view of the building proposed to be moved and of the site at which it is to be located.

- d. The Planning Committee and /or Zoning Administrator may not issue a design of the building to be moved or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in permit for relocation of a building unless it finds that the exterior appearances and the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the Village. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.
- e. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash deposit of not less than five thousand dollars (\$5,000) with the Village to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This cash deposit shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Village Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.
- f. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

#### **14.16 EXTERIOR FINISH REQUIRED (IIL 1-1-17).**

All buildings shall have a weather-resistant, uniform, and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable. In the historic district, certain standards set forth in the Historic District Ordinance may apply (see [Historic District Ordinance](#)).

#### **14.17 MAINTENANCE OF YARDS (IIL 1-1-18).**

During construction or demolition, yards shall be kept free of weeds, construction debris, and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Village. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water, or damage to adjoining property.

#### **14.18 FEES (IIL 1-1-19).**

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

#### **14.19 VIOLATIONS AND PENALTIES (IIL 1-1-20).**

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 twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of non-compliance, together with the costs of prosecution.
3. **VIOLATIONS** discovered by the Building Inspector shall be corrected within thirty (30) days, or more if allowed by the 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 which may be enjoined in a civil action.

#### **14.20 STOP WORK ORDER (IIL 1-1-21).**

The 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 which receives such a stop work order may contest the validity of the same by requesting a hearing before the Village Planning Committee. The Planning Committee shall hear the appeal within seven (7) days after written request for a hearing. The Planning Committee 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.

#### **14.21 VARIANCE (IIL 1-1-22).**

The Village Appeals Committee shall hear requests for variances from the building code to the extent the Committee has the authority to hear and grant variances. The Committee shall approve, conditionally approve, or deny a requested variance.

#### **14.22 APPEALS (IIL 1-1-23).**

Any person feeling aggrieved by an order of the Building Inspector may, within twenty (20) days thereafter, appeal from such order to the Village Planning Committee, which may then pass the complaint, as appropriate, to the Board of Appeals or Village Counsel for resolution. Insofar as appropriate, the Village 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 COMM 20.21.

#### **14.23 DISCLAIMER AND NON-LIABILITY FOR DAMAGES (IIL 1-1-24).**

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

#### **14.24 SEVERABILITY (IIL 1-1-25).**

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.

#### **14.25 AUTOMATIC SPRINKLER ORDINANCE**

##### **INTRODUCTION AND INTENT**

The intent of this sprinkler ordinance is to protect lives and provide an instantaneous and automatic response to a fire outbreak in applicable structures, with response directed at a specific part of a structure. This response is intended to provide up to fifteen (15) minutes of water directed at the source of the fire, during which time the Fire Department can move its equipment into place and interface with the sprinkler system to provide water under pressure to keep the system charged.

Automatic sprinkler systems shall be installed and properly maintained in applicable structures and locations hereafter set forth, with installation costs to be borne by the owner. "New construction" as interpreted herein shall consist of new buildings, additions, or expansion into previously unused space for lodging purposes, in which case the entire structure shall be subject to sprinkling.  
(11/11/02)

In view of the fact that the Village of Ephraim now restricts the footprint size of buildings, and in view of the fact that the State of Wisconsin does not mandate sprinkler systems for establishments of such a size, the Village exercises its right to develop its own standards to fit its needs. The rationale underlying the standards set forth below is that a modest level of sprinkler capability is better than no capability at all. In this regard, it is felt that, for the most part, NFPA 13D would provide a minimal level of protection for the less massive structures mandated by Ephraim's ordinance. Finally, it is understood that this sprinkler ordinance is in addition to the installation of approved smoke alarm systems as required by law and the Fire Chief of the Village, with such systems hard-wired and enclosed in conduit. (11/11/02)

1. **WHERE REQUIRED.** Automatic sprinkler systems shall be installed and maintained in operable condition in the following structures and locations:
  - a. All new commercial transient lodging establishments, including motels, hotels, dormitories, bed & breakfast establishments housing occupants on any level above ground level (i.e., on a second floor), townhouses, condo-motels, and hotels, multiple-family dwellings having four or more living units (as defined below and in our zoning ordinance), or any commercial establishment providing public access to a second story or any floor ten (10) or more feet above average grade level. Excluded: rental cottages and houses serving no more than two transient living groups separated from any other rooms or living units that may be in the same structure, and containing its own independent kitchen (or kitchenette), bath, and sleeping facilities sized and equipped to facilitate housekeeping;
  - b. Any new building for public assembly designed for simultaneous occupancy of over one hundred (100) persons;
  - c. New healthcare facilities including hospital facilities, doctor's offices, and group care centers;
  - d. New High hazard occupancy. Any proposed new building by reason of design, siting, construction, or use, if the Fire Chief, the Community Protection Committee, and the Board of Trustees agree by majority vote that such building constitutes a fire hazard. Classification of construction parameters are determined under the Wisc. Administrative Code (Classes of Construction Standards);
  - e. Any existing multi-family building of Type 8 construction (unprotected wood), where development of space for human occupancy occurs above the second story level.  
(11/11/02)
  - f. Exceptions - automatic sprinkler systems are not required if the Building Inspector and/or Fire Chief determines that the use of water as a fire extinguishing agent would increase the hazard. However, an automatic fire suppression system using an extinguishing agent other than water, or an automatic smoke detection system with local and dialer alarms may be required as determined by the *Building Inspector and* Fire Chief.
2. **INSTALLATION.** The installation of any automatic fire sprinkler systems shall be completed in general accordance with, "Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes."

3. **MONITORING REQUIREMENTS.** New automatic sprinkler systems installed under this ordinance shall be monitored by the Building Inspector, Fire Chief, or an approved monitoring agency approved by the Chief.
4. **MAINTENANCE AND ANNUAL INSPECTION.** All automatic sprinkler systems shall be properly maintained for efficient service as specified in NFPA 13A, "Standard for Care and Maintenance of Sprinkler Systems." Maintenance shall be the responsibility of the building owner. Written records shall be kept available for inspection by the Fire Chief or his designee.
5. **PLAN REVIEW, INSTALLATION, AND INSPECTION.**
  - a. **APPROVAL OF PLANS REQUIRED.** No automatic sprinkler equipment shall be installed or altered in any building until plans have been submitted to and reviewed by the Fire Department. Three copies of the plans and specifications shall be submitted for review. Conditionally approved plans shall be stamped with the date of the review. One copy shall be returned to the owner, one retained by the Fire Department for field use, and one to be retained by the Village offices.
    - i. **CALCULATIONS.** Calculations shall be submitted with all plans. If a pipe schedule format is used, a written report with verified pressure information shall be submitted. The engineer completing such calculations shall stamp and sign the report.
  - b. **INSTALLATION AND INSPECTION SERVICES REQUIRED.**
    - i. The installation of underground piping shall be inspected by the Building Inspector and Fire Department prior to being covered.
    - ii. The installer shall provide an advance notice of forty-eight (48) hours to the Fire Department for any required installation inspection;
    - iii. **SYSTEM REQUIREMENTS.** In addition to meeting the general requirements of NFPA 13D, the following are required:
      - (a) **SYSTEM DRAIN.** The building's automatic sprinkler system shall have a drain piped to the outside of the building or to a drain suitable to handle the required flows.
      - (b) **INSPECTOR'S TEST VALVE.** The system shall have an inspector's test valve piped so as to discharge to the outside of the building.
      - (c) **ALARM BELLS OR HORNS.** Alarm bells or horns shall be installed on all systems. One (1) bell or horn shall be installed on the inside of the building and a second (2<sup>nd</sup>) bell or horn installed on the outside of the building. The sprinkler alarm shall be wired into the building alarm system in buildings equipped with a local alarm system. Both sprinkler and smoke alarm systems must be linked to a dialer that will automatically dial the 911 number, or other number approved by the Fire Chief when one (1) or both systems are activated.
      - (d) **WATER SUPPLY.** The installer of the automatic sprinkler system should engineer the system to ensure fifteen (15) minutes of supply water, under appropriate pressure, to the system. The supply may be provided by the building's own well-water pump system interfaced with a pressure or storage tank. A pump to provide a minimum of fifty (50) gpm at fifty (50) psi pressure for fifteen (15) minutes is required, and this pump is to be wired through metal conduit and otherwise electrically isolated such that it



is not likely to be quickly compromised during a fire emergency. On-premises water supply, pump specifications, and wiring details must be approved by the Fire Chief or his designee.

- (e) **FIRE DEPARTMENT HOOK-UP.** On the outside of the building in an area accessible to fire equipment, there must be a Siamese fitting on metal pipe such that fire equipment can quickly connect to the sprinkler system. Such connection is necessary to allow the system to be charged via a hose connection from a pumper truck;
- iv. **ACCEPTANCE TEST.** The sprinkler system shall have a hydrostatic test performed by the installer in the presence of the Fire Chief or his designee. The sprinkler system shall be tested by flows of the main drain and inspector's test. The installer shall provide the Fire Department with advance notice of testing as described in Section 5(b)(ii) above.
- v. **ANNUAL TESTING.** A qualified sprinkler technician shall inspect the automatic sprinkler system annually. The general provisions of NFPA 13A, Chapters 1-7, shall be used as the inspection criteria. The inspecting technician shall provide the fire chief and the Village Administrator with a written report of his or her evaluation within fourteen (14) days of the inspection date.
- vi. **LOCKBOX REQUIRED.** A building equipped with an automatic sprinkler system shall be provided with a standard lockbox of a type approved by the Fire Chief, who shall also approve the location of the lockbox. Property-identified keys to gain access to the building and building automatic sprinkler system shall be maintained in the lockbox. Removal of any key by persons other than the Fire Department personnel shall be considered a violation of this ordinance.
- vii. **PENALTIES FOR NON-COMPLIANCE.** Failure to comply with any of the provisions of this Ordinance can result in enforcement action against the installer.

## **14.26 VIOLATIONS AND PENALTIES.**

1. **EXCEPT AS OTHERWISE PROVIDED**, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code of Ordinances
2. **A SEPARATE OFFENSE** shall be deemed committed on each day in which such violation occurs or continues after the date set by the Village Board or a court of record for the completion of the correction of the violation.
3. **SUCH PENALTY SHALL BE IN ADDITION** to the revocation of a building permit as provided in §14.02(8) of this chapter.
4. **SUCH PENALTY MAY BE IN ADDITION** to any penalties imposed for violation of State laws.

## 14.27 BUILDING PERMIT AND BUILDING INSPECTION FEES.

### ***APPENDIX A - BUILDING PERMIT FEES (9/1/2023)***

**INTRODUCTION TO APPENDICES A AND B:** Two (2) fees are levied for projects. One (1) fee is charged for the basic building permit (Appendix A), while the other fee is charged for Building Inspection Services. The Village Clerk has the responsibility to collect such fees along with the application for a building permit.

<b>ZONING FEES</b>	
Land Disturbance	\$25.00 per
Moving or Demolition	\$25.00 per
Alteration Permits	\$25.00 per project
Conditional Use/Special Exception	\$125.00 each
Accessory Structures	\$25.00 each
Building Permits (Residential)	\$25.00 + \$0.15 per square ft
Building Permits (Commercial)	\$25.00 + \$0.20 per square ft
Signs (Permanent)	\$15.00 each
Signs (Temporary)	\$5.00 each
Board of Appeals Application	\$300.00 each
Fire Number Signs	<b>Market Price</b>

## APPENDIX B - BUILDING INSPECTION FEES (9/1/2023)

Building and Zoning Fees	
<b>Building Inspection Fees (Brett Guilette - Inspection Specialists LLC) - Fees are based on ALL living areas and garage.</b>	
<b>RESIDENTIAL - 1 &amp; 2 FAMILY</b>	
1. New Structure Fees include building, electric, plumbing, HVAC and erosion permits	
0 - 1,499 sq. ft.	\$850.00
1,500 - 1,999 sq. ft.	\$1,000.00
2,000 - 2,499 sq. ft.	\$1,100.00
2,500 - 3,000 sq. ft.	\$1,150.00
Over 3,000 sq. ft.	\$1,150.00 + \$0.10 per sq. ft. over 3,000 sq. ft.
Manufactured Dwellings (modular)	\$500.00 + any additions or garage per item #3 below
State Seal	\$35.00
2. Additions/ Remodels/ Alterations:	
a. Building	\$0.11 per sq. ft. (all areas)
b. Electric, plumbing, HVAC	
0 to 500 sq. ft.	\$50.00 (each)
501 - 1,000 sq. ft.	\$60.00 (each)
1,001 - 1,300 sq. ft.	\$75.00 (each)
1,301 - 2,000 sq. ft.	\$100.00 (each)
2,001 - 2,500 sq. ft.	\$125.00 (each)
Over 2,500 sq. ft.	\$0.05 per sq. ft. (each)
c. Erosion (below grade over 400 sq. ft.)	\$40.00 additions only
3. Electric Service	\$50.00 residential
4. Manufactured Homes (HUD homes or house trailers)	\$200.00 (fee includes slab, electric service, & occupancy)
5. Temporary Occupancy	\$50.00
6. Early Start	\$50.00 (footing and foundation only)
<b>ACCESSORY STRUCTURES - Detached garages, storage buildings, and decks.</b>	
1. Building	\$0.10 per sq. ft. (\$50.00 minimum)
2. Electric, plumbing & HVAC	\$0.05 per sq. ft. (\$40.00 minimum)
<b>COMMERCIAL</b>	
1. New buildings, additions, alterations, remodels:	
a. Building	\$0.12 per sq. ft. (all areas) - (\$75.00 minimum)
b. Electric, plumbing, HVAC	
0 to 600 sq. ft.	\$60.00 (each)
601 - 1,250 sq. ft.	\$75.00 (each)
1,251 - 1,700 sq. ft.	\$100.00 (each)
1,701 - 2,100 sq. ft.	\$125.00 (each)
2,101 - 2,500 sq. ft.	\$150.00 (each)
Over 2,500 sq. ft.	\$0.6 per sq. ft. each
c. Storage buildings, warehouses, detached garages	\$0.10 per sq. ft.
2. Temporary Occupancy, Change of Use, Occupancy	\$50.00
3. Early Start	\$100.00
4. Electric Service	\$60.00
5. Erosion Control	\$75.00
6. Plan Review	<a href="#">Per Table SBD-118</a>
<b>MISCELLANEOUS</b>	
1. Re-inspection fee	\$30.00
2. Failure to call for an inspection	\$30.00
3. Double fees are due if work is started before permit is issued	
4. Extension to permit (permits are valid for 24 months)	25% of original fee