

ORDINANCE NO. 36

BUILDING AND MECHANICAL CODE

The Town Board of the Town of Oakland, Jefferson County, Wisconsin, DO ORDAIN as follows:

Ordinance No. 36 of the Town of Oakland shall be repealed in its entirety and recreated to read as follows:

Section 1. Building and Mechanical Code Established.

(a) Title. This Ordinance shall be known as the Building and Mechanical Code of the Town of Oakland and shall be referred to as "this Code".

(b) Purpose. This Ordinance provides certain minimum standards, provisions and requirements for the safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well being of persons occupying or using such buildings and the general public.

(c) Scope. This building code shall apply to all new residential one (1) and two (2) family and multi-family buildings, additions to residential dwelling units in excess of 750 square feet of living area, all residential accessory structures over one thousand (1,000) square feet, all houses moved within or into the town, all new commercial/industrial buildings and additions where the total project cost is \$50,000 or greater, all new electric service installations and service upgrades, plumbing for all multi-family, commercial, industrial falling under this section, and razing all buildings in excess of 720 square feet total floor area.

(d) Authority. These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76 and 101.761 of the Wisconsin Statutes.

Section 2. Adoption of Codes.

The following Chapters of the Wisconsin Administrative Code are hereby adopted by the Municipality and by reference made a part of this Ordinance as if fully set forth herein and shall be enforced by the Building Inspector. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Ordinance to secure uniform statewide regulations. A copy of the Wisconsin Administrative codes shall be kept on file in the office of the Building Inspector.

Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 61-65	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. COMM 70	Historic Building Code
Chs. COMM 81-87	Uniform Plumbing Code
Chs. COMM 75-79	Existing Building Code

Section 3. Definitions.

(a) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(b) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(c) 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.

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

(e) Construction. Any part or portion of the activity of installing, locating, sitting, erecting or raising a building.

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

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

(h) Department. "Department" means the Department of Commerce.

(i) Dwelling. "Dwelling" means a.) Any building, the initial construction of which is commenced on or after the effective date of this Ordinance which contains one (1) or two (2) dwelling units; or b.) An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

(j) 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.

(k) Garage. A building which is primarily intended for storage of parked automobiles or equipment.

(l) 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.

(m) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwellings which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

(n) Occupancy. The act of utilizing a building for habitation by human beings. Any use of a building for any activity that is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.

(o) One (1) or Two (2) Family Dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence, or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.

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

(q) Person. "Person" means an individual partnership, firm or corporation.

(r) 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.

(s) 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.

(t) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revision or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- Wis. Adm. Code Chapter COMM 20 –Administrative and Enforcement
- Wis. Adm. Code Chapter COMM 21 – Construction Standards
- Wis. Adm. Code Chapter COMM 22 – Energy Conservation Standards
- Wis. Adm. Code Chapter COMM 23 – Heating, Ventilating, and Air Conditioning
- Wis. Adm. Code Chapter COMM 24 – Electrical Standards
- Wis. Adm. Code Chapter COMM 25 – Plumbing and Potable Water Standards

Section 4. Method of Enforcement. The Town of Oakland shall enforce this Code by contracting with a certified inspector or independent inspection agency.

Section 5. Building-HVAC-Electrical-Plumbing Inspector.

(a) Creation and Appointment. There is hereby created the office of Building Inspector. The municipality shall appoint the Building Inspector. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under COMM 5, Wisconsin Administrative Code.

(b) Certified Inspector to Enforce. The Building Inspector is hereby authorized and directed to enforce all of the provisions of the Uniform Dwelling Code.

(c) 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 COMM 5, Wisconsin Administrative Code, by the Department.

(d) Duties. The Building Inspector shall administer and enforce all provisions of this Ordinance.

(e) Inspection 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 and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his 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, Wisconsin Statutes.

(f) Records. The Building Inspector shall perform all administrative tasks required by the Department. In addition, the Building Inspector shall keep a record of all applications for building permits in a book marked in order and shall coordinate with the seal numbers purchased from the state. The records shall also detail number, descriptions, size, costs, materials used and the aggregate cost of all UDC construction. A record shall be kept of all condemnation. The inspector shall make an annual report to the Town Board. Annually, all completed records shall be turned over to the Clerk.

Section 6. Building Permits. No construction of any kind shall take place as identified under the scope of Section 1(c) unless a building permit for that work is first obtained by the owner or his authorized agent from the Building Inspector.

(a) Application. Application for building permit shall be made in writing upon a form furnished by the Building Inspector upon a form prescribed by Department of Commerce and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the

Building Inspector may require. The Building Inspector shall file a copy of each form with the Department of Commerce per s.s. 101.65(3).

(b) Submission of Plans. The applicant shall submit two copies of plans at the time the building permit application is filed. If a new building or building addition is proposed which requires a building permit, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter COMM 20.09(4), Wisconsin Administrative Code.

(c) Issuance of Permit. If the Building Inspector determines that the building will comply in every respect with all local ordinances and all applicable laws and orders of the state of Wisconsin, he shall issue a building permit. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit shall be displayed in a conspicuous place at the building site.

(d) Inspection of Work. 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.

- (1) Footing
- (2) Foundation
- (3) Rough Carpentry, HVAC, Electric and Plumbing
- (4) Drain tile/Basement Floor
- (5) Under floor Plumbing
- (6) Electric Service
- (7) Insulation
- (8) Final Carpentry, HVAC, Electric and Plumbing
- (9) Erosion Control

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

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.

(e) Occupancy Approval. 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 occupancy approval. If the building fails to comply with the code in minor respects, which do not threaten safety, health, or welfare of the other building's occupants, the Inspector, may issue a temporary occupancy approval for a specified term. No person shall have occupancy of a building until an occupancy approval is issued. Inspector shall give Clerk copy of all occupancy approvals when issued.

(f) Permit Lapse. A building permit shall expire two years after issuance if construction has not been completed.

Section 7. Miscellaneous.

(a) Exterior Finish Required. All buildings shall have proper weather resistant, exterior finish. Tarpaper and/or similar material are not acceptable.

(b) Maintenance of Buildings. All buildings shall be maintained so that they do not lose value or become non-complying with applicable codes.

(c) Maintenance of Yards. During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water, or damage to adjoining property.

Section 8. Permit Fees. Building permit fees shall be determined by the Town Board of the Town of Oakland. At the time of building permit application, the applicant shall pay the established fees. If work commences prior to permit issuance, double fees may be charged by the Building Inspector.

Section 9. Unsafe Buildings. 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 66.0413, Wisconsin Statutes.

Section 10. Razing and Demolition of Buildings.

(a) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 720 square feet in total floor 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.

Razing permits shall lapse and be void unless the work authorized thereby is commenced within three (3) 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.

(b) Application. An application for a permit to demolish all or part of a building shall include the following information:

- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- (2) The name, address and telephone number of the contractor(s) performing the demolition work;
- (3) The date upon which demolition is to commence;
- (4) The date by which demolition shall be complete;
- (5) A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 158.03(4), 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 445.02(2), Wisconsin Statutes), and a detailed description of the method to be used in removing, transporting and disposing of an hazardous waste, hazardous and toxic substances, and asbestos;
- (6) 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);
- (7) A description of the method of demolition to be used;
- (8) 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; and
- (9) The applicant shall properly disconnect all utilities.

(c) Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(d) Clearing and Leveling the Site.

- (1) 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 30 consecutive days after demolition is completed.
- (2) 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 72 hours inspect each excavation, or part thereof, before filling any excavation.

(3) 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 the 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. Said opinion shall be deemed a sufficient approval by the municipality provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.

(e) 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 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

Section 11. Violations and Penalties.

(a) 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.

(b) Violations. Violations discovered by the Building Inspector shall be corrected within 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.

(c) Compliance. 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.

(d) Stop Order. If written violations are not corrected after 30 days, the Building Inspector shall issue a stop order for a project to prevent further non-complying work. The stop order shall be posted at the construction site.

(e) Penalties. Any person in violation of this Ordinance or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25.00 or more than \$500.00 together with the cost of prosecution. Each day that such violation continues will constitute a separate offense (see Wisconsin Statute 66.119, 66.12 and 101.66).

Section 12. Disclaimer and Non-Liability for Damages. This Ordinance shall not be construed as an assumption of liability by the municipality for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

Section 13. Appeals. Any person aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town of Oakland will follow procedures explained in Wisconsin Statutes, Chapter 68, to arrive at a final determination. Final determination may be reviewed as explained in Wisconsin Administrative Rules COMM 20.21.

Section 14. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of Oakland would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and application of such provisions to other persons or circumstances shall not be affected thereby.

Section 15. Effective Date. This ordinance shall take effect upon passage, posting and/or publication.

Dated this 8th day of February, 2005.

Town of Oakland

Vernon P. Davis
Town Chairman

Attest:

Linda S. Deckhoff
Town Clerk

Passed: February 8, 2005

Vote: Ayes 5 Nays 0

Posted: February 17, 2005

Published: