

CHAPTER 13

BUILDING CODE

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13.01 TITLE. This Chapter shall be known as the “Building Code of the Town of Sparta” and shall be referred to in this Chapter as “this Chapter.”

13.02 PURPOSE. This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings 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.

13.03 AUTHORITY. These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

13.04 SCOPE. The scope of this Chapter includes the construction and inspection of one- and two-family dwellings built since June 1, 1980. The building structure and any heating, ventilating, air conditioning, electrical or plumbing systems shall comply with the Town Building Code.

13.05 STATE CODES ADOPTED.

- 1) WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE. The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Wis. Department of Safety and Professional Services (SPS) Chapters 360 through 366, and all amendments thereto, are hereby made a part of this Chapter by reference with respect to those classes of buildings to which such provisions apply.
- 2) WISCONSIN UNIFORM DWELLING CODE. The Wisconsin Uniform Dwelling Code, Wis. Department of Safety and Professional Services (SPS) Chapters 320 through 325, and all amendments thereto, are hereby made a part of this Chapter by reference and shall apply to all new and existing one- and two-family dwellings and all alterations and additions thereto.

13.06 BUILDING INSPECTOR.

- 1) APPOINTMENT. See Sec. 2.05 of this Code.
- 2) QUALIFICATIONS.
 - a) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.
 - b) The Building Inspector shall be certified by the Wisconsin Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2) in the category of Uniform Dwelling Code Construction Inspector to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code. A copy of the certificate shall be filed with the Town Clerk.

- 3) **GENERAL POWERS AND DUTIES.** The Building Inspector shall enforce the provisions of this Chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction and for that purpose may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this Chapter relating to buildings, subject to conditions contained in this Chapter. No person shall interfere with the Building Inspector while in the performance of the duties prescribed in this Chapter. He shall coordinate the activities of the Plumbing Inspector and the Electrical Inspector.
- 4) **RECORDS.** The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make an annual report to the Town Board on the above matters.
- 5) **APPEALS.** Any person feeling himself aggrieved by any order of ruling of the Building Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Administrative Review Appeals Board, such appeal to be in writing.

13.07 BUILDING PERMITS AND INSPECTION.

- 1) **PERMIT REQUIRED.** No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- 2) **APPLICATION.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee 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.
- 3) **PLANS.** With each application there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. A third set of commercial plans is required for the Fire Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the Department of Safety and Professional Services. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- 4) **PLAT OF SURVEY REQUIRED.** A plat of survey prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:
 - a) The subject site.

- b) The existing and proposed structures.
 - c) The existing and proposed easements, streets and other public ways.
 - d) Off-street parking, loading areas and driveways.
 - e) The existing highway access restrictions.
 - f) The existing and proposed street, side and rear yards.
- 5) APPROVAL OF PLANS. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one (1) foot above the finished or proposed grade of the centerline of the adjacent street unless approval is given by the Building Inspector for a properly designed site plan which adequately addresses drainage and the effect on adjacent properties.
- 6) WAIVER OF PLANS. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- 7) GRANT OR DENIAL OF PERMIT. After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within ten (10) business days.
- 8) MINOR REPAIRS AND ALTERATIONS. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued. Generally the criteria will be that properties with no structural or exit change do not require permits if less than \$500.00 in value.
- 9) INSPECTION OF WORK. The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this Chapter. The Building Inspector shall perform the requested inspection within forty-eight (48) hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within forty-eight (48) hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Building Inspector.
- 10) PERMIT LAPSES. A building permit shall expire twenty-four (24) months after issuance if the construction has not been completed.
- 11) REVOCATION. If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any

further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

12) EROSION CONTROL PERMIT REQUIRED. Applications for erosion control permits shall accompany applications for building permits when required under the Wisconsin Uniform Dwelling Code and shall be issued by the Building Inspector.

13) REPORT OF VIOLATIONS. The police or other Town officials shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this Chapter.

13.08 RESIDENTIAL GARAGES. Residential attached garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code and Uniform Building Code. Residential garages shall be located in accordance with the Zoning Code and not less than ten (10) feet from any other building on the same premises when not a part of the building. A reduction from ten (10) feet to five (5) may be allowed provided that a minimum forty-five (45) minute rated fire wall is installed in the garage. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than forty-five (45) minute fire-resistive construction as specified in Wis. Adm. Code SPS 321.08 or amendments thereto.

13.09 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in buildings or structures covered by this Chapter and not specifically mentioned in or permitted by this Chapter shall not be so used until approved in writing by the State Department of Safety and Professional Services. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Safety and Professional Services. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Safety and Professional Services.

13.10 UNSAFE BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the Town to be, in his judgment, so old, dilapidated or 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, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.05, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Town in an action against the owner or tenant.

13.11 MOVING BUILDINGS

1) PERMIT REQUIRED. No person shall move any building or structure greater than 200 square feet upon any of the public ways of the Town without a permit from the Building Inspector upon thirty (30) days notice.

- 2) APPLICATION. Application for a permit shall be made on a form provided by the Building Inspector.
- 3) PERMIT FEE. See sec. 13.13 of this Chapter.
- 4) BOND REQUIRED. Before a permit is issued, the mover must give a bond in the amount of \$10,000.00 with good and sufficient sureties to be approved by the Town Attorney conditioned that the owner shall save the Town harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.
- 5) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Building Inspector a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000.00 for any one person, \$1,000,000.00 for any one accident and \$50,000.00 for property damage.
- 6) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.
- 7) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every permittee shall, within one (1) day after reaching his destination, report that fact to the Building Inspector. The Inspector shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the permittee shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the permittee to do so within ten (10) days thereafter to the satisfaction of the Building Inspector, the Town shall repair the damage done to such streets and highways and hold the sureties of the bond given by the permittee responsible for the payment of the same.

13.12 NON-ASSUMPTION OF LIABILITY. This Chapter shall not be considered as assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

13.13 PERMIT FEES. The Town Board shall, from time to time, establish a building permit fee as indicated in the most recently adopted Fee Schedule for the Town of Sparta. A copy of the Fee Schedule shall be available in the office of the Town Clerk.

13.14 PENALTY. Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this Chapter, shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Chairperson and Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 1.07 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a

defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

13.15 thru 13.99 RESERVED.