

**CHAPTER 9  
BUILDING AND MECHANICAL CODE**

9.01 Authority	9.13 Unsafe Buildings
9.02 Purpose	9.14 Razing and Demolition
9.03 Definitions	9.15 Moving Buildings
9.04 Scope	9.16 Exterior Finish Required
9.05 Permit Required	9.17 Maintenance of Yards
9.06 Adoption of Codes	9.18 Fees
9.07 Scope of Uniform Dwelling Code Expanded	9.19 Prohibition
9.08 Certified Municipality Status	9.20 Public Nuisance
9.09 Building-HVAC-Electrical-Plumbing Inspector	9.21 Stop Work Order
9.10 Submission of Plans	9.22 Variance
9.11 Issuance of Permit	9.23 Appeals
9.12 Occupancy Permit	9.24 Disclaimer and Non-Liability for Damages
	9.25 Notice and Forfeitures

**9.01 Authority.** These regulations are adopted under the statutory authority granted pursuant to Sections 101.65, 101.651, 101.76, and 101.761, and by its adoption of Village powers under Sections 60.10(2)(c), 60.22(3), 61.34(1) of the Wisconsin Statutes.

**9.02 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.

**9.03 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.)

- (1) **Building.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children’s play structures.
- (2) **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.
- (3) **Construction.** Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- (4) **Contractor.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies and materials.

- (5) Demolition. The activity of completely or partially destroying a previously erected or constructed building.
- (6) Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- (11) Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- (12) 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.
- (13) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

- (14) 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.

**9.04 Scope.** This code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

**9.05 Permit Required.**

- (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.
- (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.
  - (i) Agricultural buildings.
- (3) The following construction activities, completed separately or in combination, shall not require a building permit if the total value of the work (labor and materials) does not exceed \$10,000.00:

- (a) Re-siding, re-roofing and finishing of interior surfaces, replacement of windows, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
- (b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers.

**9.06 Adoption of Codes.**

- (1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the municipality and shall be enforced by the Building Inspector:

Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. COMM 66	Uniform Multi-Family Code
Ch. COMM 69	Barrier-Free Design
Ch. COMM 70	Historic Building Code
Chs. COMM 75-79	Existing Building Code
Chs. COMM 82-87	Uniform Plumbing Code

- (2) Any local building codes or requirements other than those contained herein are repealed.

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

- (1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- (2) Detached residential accessory buildings greater than 200 sq. ft. serving one and two family dwellings. Grade-beam slabs are required for private, residential 1 & 2 family accessory buildings 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. COMM 22 shall not apply.

**9.08 Certified Municipality Status.** The Town has adopted the Certified Municipality Status as described in COMM 50.21 of the Wisconsin Administrative Code.

**9.09 Building-HVAC-Electrical-Plumbing Inspector.**

- (1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the department in the required categories specified under COMM 5, 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 COMM 5, 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 Building Inspector or his/her agent while in the performance of his/her duties. In the event that the Building Inspector is refused access to any such premises, then the Building Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.122, Wis. Stats.
- (5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable:
  - (a) Footing
  - (b) Foundation
  - (c) Rough Carpentry, HVAC, Electric and Plumbing
  - (d) Draiatile/Basement Floor
  - (e) Underfloor Plumbing
  - (f) Electric Service
  - (g) Insulation
  - (h) Final Carpentry, HVAC, Electric and 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 Building Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

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

**9.11 Issuance of Permit.**

- (1) The Building Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees.
- (2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
- (3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

**9.12 Occupancy Permit.** If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Building Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants,

the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

**9.13 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 Building 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.

**9.14 Razing and Demolition.**

- (1) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in 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.
- (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 date of application and, if different, on 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.

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

- (6) In the event of a natural disaster, the board, at its discretion, may waive the requirements of this ordinance.

### **9.15 Moving Buildings.**

- (1) **General.** No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefore from the Building Inspector and upon the payment of 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 municipality 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 (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within 20% of the surrounding buildings within 1,000 feet 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 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 Town limits. The applicant shall, within one 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 municipality and to establish it upon a location within the said municipality 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 municipality 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 municipality, the party applying for said permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than Five Thousand Dollars (\$5,000). Said cash deposit shall be held for indemnification of the municipality 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 municipality 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 the permit was complied with and no damages were caused by the move.
- (b) The cash deposit 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 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 person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one 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) Municipality.**

- (a) Before any permit to relocate a building may be issued, the municipality 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 municipality shall not grant a permit unless the Board has taken a view of the building proposed to be moved and of the site at which it is to be located.
- (d) The municipality may not issue a permit for relocation of a building unless it finds that the exterior appearances and 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 the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the municipality. 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 proposed 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 \$5,000 with the municipality 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 municipality. 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 Town 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.

- (g) Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the municipality to consider the application. The Building Inspector shall inform the municipality whether or not the application complies, in all respects, with all other ordinances of the municipality. The municipality may, if it desires, hold a public hearing on the permit.

**9.16 Exterior Finish Required.** All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

**9.17 Maintenance of Yards.** 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 municipality. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

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

**9.19 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.

**9.20 Public Nuisance.** Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

**9.21 Stop Work Order.** The Building Inspector may issue a stop work order for a project to prevent further noncomplying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality 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.

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

**9.23 Appeals.** Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality will follow

procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules COMM 20.21.

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

**9.25 Notice and Forfeitures.** The Town, or its designee, shall provide written notice, by regular mail, of a violation of this chapter and setting forth, if applicable, the time in which the violator shall have to come into compliance with the terms of this chapter. Any person that fails to comply with the provisions of this chapter shall pay a forfeiture, as set forth in Chapter 1, Appendix A of the Town of Spring Green Code of Ordinances, plus all applicable surcharges, assessments and costs for each violation, including attorney fees if recoverable. Each day a violation exists or continues, constitutes a separate offense under this chapter. In addition, the Town may seek injunctive relief from a court to enjoin further violations.