

CHAPTER 14

BUILDING AND MECHANICAL CODE

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14.01 AUTHORITY.

These regulations are adopted under the authority granted by Wis. Stat. sec. 101.65, Chapter SPS 327 of the Wisconsin Administrative Code, the Commercial Building Code and the Wisconsin State Electrical Code.

14.02 PURPOSE.

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code, Chapter SPS 327 of the Wisconsin Administrative Code, the Commercial Building Code and the State Electrical Code.

14.03 CERTIFIED MUNICIPALITY STATUS.

Certified Municipality. The Village has been granted Certified Municipality Status by the Department of Safety and Professional Services as described in SPS 361.60 of the Wisconsin Administrative Code.

14.04 SCOPE.

(1) This Code applies to all 1 & 2 family dwellings, commercial buildings/structures, camping units, decks and 1 & 2 family detached accessory buildings over 200 square feet. Notwithstanding this section, this ordinance shall not apply to 1 & 2 family swimming pools, agricultural buildings, or children's play structures. For those one- and two-family dwellings built prior to June 1, 1980, petitions for variance and final appeals under Wis. Admin. Code secs. SPS 320.19 and 320.21, respectively, shall be decided by the Village's Board of Zoning Appeals. Petitions for variance shall be decided using the criteria set forth in Wis. Admin. Code sec. SPS 320.19.

(2) The scope also includes the inspection of commercial buildings and the administration of all the requirements of the State Electrical Code.

14.05 SCOPE OF UNIFORM DWELLING CODE EXPANDED.

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

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

(2) Detached accessory buildings greater than 200 sq. ft. serving one- and two-family dwellings.

14.06 WISCONSIN UNIFORM DWELLING CODE ADOPTED.

The Wisconsin Uniform Dwelling Code, Chs. SPS 320–325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

14.07 STATE COMMERCIAL BUILDING AND ELECTRICAL CODES ADOPTED.

The Wisconsin Commercial Building Code Chs. SPS 360-366 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all commercial buildings within the scope of this ordinance. In addition, the Wisconsin Electrical Code, Ch. SPS 316 of the Wisconsin Administrative Code and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings.

14.08 CAMPING UNITS.

Ch. SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all camping units within the scope of this ordinance.

14.09 BUILDING INSPECTOR.

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional Services, as specified by Wis. Stat. sec. 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, the Building Inspector or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

14.10 BUILDING PERMIT REQUIRED.

(1) Dwellings. If a person alters a building, adds to, or builds or constructs a new building, within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions or substantial modifications shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempt from permit requirements. **EXCEPTIONS**. No permit is required for the replacement of existing roofs, furnaces, electrical or plumbing fixtures, sidewalks or retaining walls except electrical permits shall be required and exempt in accordance with Wis. Admin. Code sec. SPS 316.012(1).

(2) Commercial Buildings. Permits for commercial buildings shall be as regulated by State Commercial Building Code with a Village of Montfort Zoning Permit required in addition to any State permits. The Village permit shall not be issued until the applicant has obtained the State building permit.

(3) Camping Units. Permits for camping units shall be as regulated by Ch. SPS 327 of the Wisconsin Administrative Code with a Village of Montfort Zoning Permit required in addition to any State permits. The Village permit shall not be issued until the applicant has obtained the State building permit

(4) Lapse of Permit. A building permit shall lapse and be void unless operations under the permit are commenced within 6 months and completed within one year from date of issuance thereof except that, pursuant to the Uniform Dwelling Code, the permit for new dwellings shall expire 24 months after issuance if the dwelling exterior has not been completed.

14.11 BUILDING PERMIT FEE.

(1) Building permit fees shall be determined by resolution and adjusted from time to time. Any new dwelling shall include the cost of a State seal (currently \$33.00) to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to the new dwelling.

(2) Double Fees. In the event that construction of the building or improvement, including excavation or construction of forms for cement work, is commenced before a building permit has been issued, the fee for such permit shall be double the fee that would otherwise be due.

14.12 SUBMISSION OF PLANS.

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

14.13 ISSUANCE OF PERMIT.

(1) The 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. The 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.

(4) No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.

(5) No building, plumbing, electrical or HVAC permit shall be issued to any person to whom a stop work order has been issued by the Building Inspector.

(6) It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

14.14 COMPLETION DEPOSIT REQUIRED.

A deposit of \$400.00 is required for all projects, whose total cost, including labor, materials and supplies will equal or exceed \$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 2 years of the date the permit is issued.

14.15 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 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.

14.16 RECORDKEEPING.

The building inspector(s) shall keep a log of all inspections completed.

14.17 VIOLATIONS AND PENALTIES.

(1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.

(2) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$50 nor more than \$1,000 for each day of non-compliance, together with the costs of prosecution.

(3) 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.

(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.

14.18 STOP WORK ORDER.

(1) A stop work order is 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.

(2) 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. The Village shall hear the appeal within seven days. The Village 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.

14.19 VARIANCES.

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

14.20 APPEALS.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Village Board. The Village will follow procedures provided under Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as provided under sections SPS 320.21, 327.18 or 361.21, Wisconsin Administrative Code.

14.21 DISCLAIMER AND NON-LIABILITY FOR DAMAGES.

This Chapter 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.

14.22 SEVERABILITY.

If any section or portion of this Chapter 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 this Chapter. The remainder of the Chapter shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Chapter are hereby repealed as to those terms that conflict.