

Amended 7/25/1994

CHAPTER VII.

BUILDING CODE

SECTION 7.00. Scope. The provisions of this chapter shall govern the design, construction, alteration, demolition and moving of all buildings and structures and shall be construed to ensure public safety, health and welfare insofar as they are dependent upon building construction.

SECTION 7.10. Adoption and Application of "Wisconsin Uniform Dwelling Code". The Wisconsin Uniform Dwelling Code, Chapters 20 through 25, inclusive, and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one- and two-family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of the various Chapters of the Wisconsin Uniform Dwelling Code.

SECTION 7.20. Adoption and Application of "Wisconsin Uniform Building Code". The Wisconsin Uniform Building Code and all amendments thereto, and the construction requirements set forth therein, and all Wisconsin State Codes as adopted and all amendments thereto as they concern plumbing, electrical wiring installations, well construction and sewage disposal, are hereby made a part of this Code by reference, and shall apply to all buildings not covered under Section 7.10 above.

SECTION 7.30. Adoption and Application of "Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code". The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Chapters ILHR 50 through 57 and ILHR 60 through 64, both inclusive, and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply.

SECTION 7.31. Adoption and Application of "Wisconsin Commercial Building Code". The Wisconsin Commercial Building Code, Chapters IND 160 through 164 inclusive, and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply.

SECTION 7.32. Adoption and Application of "Wisconsin Historic Building Code". The Wisconsin Historic Building Code, Chapter ILHR 70, and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply.

SECTION 7.40. General Provisions.

7.41. Zoning Laws. No provision of this Code shall be construed to repeal, modify, or constitute an alternative to any lawful zoning regulations.

7.42. Alterations. When not in conflict with any regulations, alterations to any existing building or structure, accommodating a legal occupancy and use but of nonconforming type of construction which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits or any of the above, then such existing construction shall be made to conform to the minimum requirements of this Code applicable to such occupancy and use and given type of construction.

7.43. 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 aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

7.44. Alterations when not Permitted. When an existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

7.45. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.

7.46. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

7.47. Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy, or use until the regulations of this Code have been complied with.

7.48. Residential District-Out Building. No building shall be constructed on any parcel of real estate within a residentially zoned district prior to the construction of a residence thereon.

SECTION 7.50. Building Inspector.

7.51. Duties. The Town Building Inspector, as certified by the Department of Industry, Labor and Human Relations, is vested with the authority and responsibility to enforce all laws controlling building construction.

7.52. Rights. The Building Inspector, or his authorized agent, shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical, or heating work being done or the required license therefor. No person shall interfere with or refuse to permit access to any such premises to the above described representatives of the municipality while in the performance of their duties.

SECTION 7.60. Building Permits Required. No building or structure, or any part thereof, shall hereafter be built, enlarged, altered, or demolished within the Town or moved into, within, or out of the municipality unless a permit therefor shall first be obtained by the owner or his agent from the Town Building Inspector.

Permits required are as follows:

- A. Building
- B. Air Conditioning -- "Section 30.38(1)(B)"
- C. Wrecking or razing
- D. Heating
- E. Moving of buildings
- F. Occupancy
- G. Other permits as required by the Town Board

7.601. Commercial Building Permit Required. No persons shall build or cause to be built any new public building containing less than 50,000 cubic feet in total volume or alter a public building involving less than 100,000 cubic feet in total volume, without first submitting plans and specifications to the Town Building Inspector and obtaining a building permit for such building. A Town building permit shall also be required for larger commercial buildings, which will be State reviewed but inspected by the Town Building Inspector.

7.602. Chapter ILHR 54 Occupancies and Storage Garages. Notwithstanding Section ILHR 50.12(1)(a)1.&(f)2., a building permit is also required for Chapter ILHR 54 Occupancies and Storage Garages of less than 25,000 cubic feet.

7.61. Application for Permits. Application for a permit shall be made in writing upon a blank form to be furnished by the Town Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the location of the

building, the house number thereof and such other information as the Town Building Inspector may require. With such application, there shall be submitted, to the Town Building Inspector, sets of plans, specifications and a survey as the Town Building Inspector may require.

7.62. Waiver of Some Requirements. At the option of the Town Building Inspector, plans, data, specifications and survey need not be submitted with an application for a permit to execute minor alterations and repairs to any building, structure, or equipment, provided the proposed construction is sufficiently described in the application for permit.

7.63. Issue Permit. If the Town Building Inspector finds that all required zoning and sanitation permits have been issued by Kenosha County and that the proposed building will comply in every respect with this Code, other municipal ordinances, and all laws of the State of Wisconsin, and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, law or orders, or which involves the safety of the building, except with the written consent of the Town Building Inspector filed with such application. In case adequate plans are presented, the Town Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Town Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the municipality or laws of the State of Wisconsin or lawful orders issued pursuant thereto.

7.64. State Approval. For the construction of buildings requiring approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Town Building Inspector.

7.65. Inspector May Revoke Permits. The Town Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

1. Whenever there is a violation of any regulation of this Code or of any other ordinance, law, or lawful orders or Wisconsin Statute relating to the same subject matter.
2. Whenever the continuance of any construction becomes dangerous to life or property.
3. Whenever there is any violation of any condition or provision of the application for permits or of the permit.
4. Whenever, in the opinion of the Town Building Inspector, there is inadequate supervision provided on the job site.

5. Whenever any false statement of misrepresentation has been made in the application for permit, plans, drawings, data, specifications, or certified lot or plot plan on which the issuance of the permit or approval was based.
6. Whenever there is a violation of any of the conditions of an approval of occupancy given by the Town Building Inspector or of the use of any new materials, equipment, methods of construction devices, or appliances.

The notice revoking a permit, certificate of occupancy, or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction. A revocation placard shall also be posted upon the building structure, equipment, or premises in question by the Town Building Inspector. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void.

7.66. Approved Plans. A weatherproof card, signed by the Town Building Inspector, indicating the permit has been issued shall be posted at the job site during construction. After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Town Building Inspector as conforming to the provisions of this Code.

7.67. Permit Term. The building permit shall become void unless operations are commenced within four (4) months from the date thereof. The building permit shall be valid for a term of twelve (12) months unless otherwise set forth in the Wisconsin Uniform Codes made a part of this Code by reference.

7.68. Lapsed Permit. Before any work is commenced or recommended after the permit has lapsed, a new permit shall be issued at the regular fee rate.

SECTION 7.70. Razing of Buildings.

7.71. The Town Building Inspector is hereby authorized to act for the municipality under the provisions of Section 66.05 of the Wisconsin Statutes, relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The municipal treasurer is authorized to place the assessment and collect the special tax as therein provided.

7.72. Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavating shall be protected with appropriate fences, barriers and/or lights.

SECTION 7.80. Building Permit Fee. There shall be a fee paid to the Town Building Inspector at the time of making the application for permit. Such fee shall be determined in

accordance with a Building Permit Fee Schedule adopted by resolution of the Town Board, from time to time.

SECTION 7.90. Noncompliance and Penalties.

7.91. Any persons, firm, or corporation violating any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500, and the cost of prosecution, and in default of payment of such forfeiture and costs may be imprisoned in the County Jail until such payment of such forfeiture and the costs of prosecution, or as otherwise ordered by the Court. Each day of violation shall constitute a separate offense. 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 Town Building Inspector constitute a defense.

7.92. Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed except by written notice of the Town Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

7.93. It shall be unlawful to commence work prior to obtaining a permit therefor. Triple fees shall be charged if work is commenced prior to the issuance of a permit.

7.94. In addition, the Town Board may provide for the enforcement of this Code and all other laws and ordinances relating to buildings, by means of the withholding of building permits and injunctive relief of action.

7.95. It shall be unlawful for any owner to occupy or to allow another to occupy a building prior to issuance of a required occupancy permit.