

TOWN OF DUNN

ORDINANCE #13-1

BUILDING ORDINANCE

TABLE OF CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
Section 1	TITLE/PURPOSE.....	1
Section 2	SCOPE.....	1
Section 3	DEPARTMENT OF BUILDING INSPECTION.....	1
Section 4	DUTIES OF BUILDING INSPECTOR.....	1
Section 5	BUILDING BOARD OF APPEALS.....	2
	1. Creation and Membership.....	2
	2. Meetings.....	2
	3. Appeals.....	2
	4. Stay.....	3
	5. Time Limitation.....	3
	6. Authority.....	3
	7. Reports.....	3
Section 6	BUILDING PERMITS AND INSPECTION.....	3
	1. Permits Required.....	3
	2. Application.....	4
	3. Approval of Plans.....	4
	4. Alteration of Plans.....	4
	5. Fee.....	4
	6. Payment of Fee.....	4
	7. Permit Lapses.....	5
	8. Revocation of Permit.....	5
	9. Inspection.....	5
	10. Certificate of Occupancy.....	5
Section 7	UNSAFE BUILDINGS.....	5
Section 8	APPLICATION TO EXISTING BUILDINGS.....	6
Section 9	OCCUPANCY OF PUBLIC AREAS.....	6
Section 10	MOVING BUILDINGS.....	7
	1. Bond Required.....	7
	2. Contents of Permits.....	7
	3. Inspection and Repair of Streets.....	7
	4. Permit Fees.....	7

Table of Contents
Page 2

<u>Section</u>	<u>Subject</u>	<u>Page</u>
Section 11	PROMULGATED BY THE WISCONSIN FLAMMABLE LIQUIDS CODES.....	7
Section 12	CONSTRUCTION WITHIN COMMERCIAL DISTRICTS.....	7
Section 13	RAZING OLD OR DAMAGED BUILDINGS.....	8
Section 14	APPLICATION OF STATE CODES.....	8
	1. Municipal Sewer Installation Permit Required.....	8
	2. Electrical Permit Required.....	8
	3. Heating and Air Conditioning Permit Required.....	8
	4. Limitation of Construction on Certain Soils.....	8
Section 15	PENALTY FOR VIOLATION.....	8
Section 16	SEVERABILITY.....	9
Section 17	EFFECTIVE DATE.....	9
Section 18	POSTING/PUBLISHING.....	9
Appendix A	RECOMMENDED FEE SCHEDULE FOR BUILDING PERMITS IN THE TOWN OF DUNN.....	10

TOWN OF DUNN

ORDINANCE #13-1

TOWN OF DUNN BUILDING ORDINANCE

An ordinance to repeal and re-create the town ordinance of the Town of Dunn, Dane County, Wisconsin, providing for the regulation of building construction and providing penalties.

Section 1: Title/Purpose

This ordinance shall be known as the "Building Code of the Town of Dunn". The purpose of this code is to provide certain minimum requirements, provisions and standards for safe and stable structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings and structures within the Town of Dunn.

Section 2: Scope

New and (Commercial) buildings and structures and all existing buildings and structures hereafter repaired, altered, moved, or reconstructed in the Town of Dunn shall conform to all the requirements of this code, shall apply to new buildings. The provisions of this code shall be deemed to supplement any and all laws of the State of Wisconsin pertaining to construction and use, and does in no way supersede to nullify any of such orders.

Section 3: Department of Building Inspection

1) There is hereby established a Building Inspection Department which shall be responsible for the supervision of the plumbing, heating, ventilating, electrical and building codes of the Town of Dunn, and the safety inspection of all premises, including structure and appurtenances located thereon.

2) The Town Board shall appoint a state certified Building Inspector and who shall have the same powers and duties and who shall serve at the pleasure of the Town Board. With the consent of the Town Board he may appoint one or more persons as state certified deputy inspectors, and may delegate to them any of the powers and duties herein conferred upon the Building Inspector Superintendent.

Section 4: Duties of Building Inspector

1) The Building Inspection Department shall be under the supervision of the Building Inspector. The Inspector shall have, except where otherwise provided herein, the general management of all matters pertaining to the Building Inspection Department, and

shall enforce all state laws, town ordinances and lawful orders relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment.

2) The Building Inspector shall have power to pass upon any question arising under the provisions of this ordinance relating to buildings, subject to conditions contained in this ordinance. Any person feeling aggrieved by any order or ruling of the Building Inspector may appeal from such order to the Building Board of Appeals, in writing and upon payment of a \$25.00 filing fee.

3) The Building Inspector shall provide information required to keep a record of all applications for building permits in a book for such purposes and regularly number each permit in order of its description and size of all buildings erected, indicating the kind of materials used and the cost of each building. The Inspector shall keep a record of all inspections made and of all removals and condemnations of buildings. The Inspector shall make an annual report to the town Board of the above matters. this yearly report shall cover the period ending the last day of December and shall be filed with the Town board on or before the first day of March, next thereafter.

4) The Building Inspectors shall have the power and authority at all times in the performance of his duties, to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, permanent building equipment, electrical or plumbing work. Any person interfering with the said Inspector while in the performance of his duties as prescribed in this ordinance shall be considered a violation of this ordinance.

Section 5: Building Board of Appeals

1) CREATION AND MEMBERSHIP. A Building Board of Appeals is hereby established. The word "Board" when used in this chapter shall be construed to mean Building Board of Appeals. The Board shall consist of five members having a practical working knowledge of building construction to be appointed by the Town Board. Of the members initially appointed, one shall serve for a term of one year, from May first following the date of his appointment, two for a term of two years from said date, k two for a term of three years from said date. Thereafter, all members shall serve for a term of three years. Any vacancies of members of the Board shall be filled by appointment of the Town Board to complete the term of the vacated member thereof.

2) MEETINGS. Meetings of the Board shall be held at such times as it shall be necessary for the Board to exercise the authority granted it by this ordinance. The Board shall fix a time and place for all meetings and the meetings shall be open to the public. the town Clerk shall act as Secretary of the meetings and shall keep minutes of its proceedings showing the vote of each member upon every question. the Secretary shall not

be a voting member of the Board. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary for the conduct of its meetings and to carry into effect the provisions of this ordinance.

3) APPEALS. Any person whose application for a building permit has been refused or who may consider that the provisions of the Code do not cover the point raised in construction work contemplated by him, or that any particular provisions would cause a manifest injury to be done to him, may appeal to the Building Board of Appeals by serving written notice on the Building Inspector. Such notice shall be at once transmitted to the Building Board of Appeals, which Board shall arrange for a hearing on the particular point raised. Such hearing shall be held within ten working days and the decision of the Board shall be given within ten days after the hearing. The person appealing shall attach to such written notice the sum of \$25.00 to the Town of Dunn. The final disposition of such appeal or determination shall be in writing either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from or determination of the questions submitted to the Board for interpretation review or special disposition as provided for in this ordinance.

4) STAY. An appeal stays all proceedings in furtherance of the action appealed from unless the building inspector, from whom the appeal is taken, certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Building Board of Appeals or by the Circuit Court, on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

5) TIME LIMITATION. An appeal by any person or firm from any ruling by the Building Board of Appeals shall be taken within thirty (30) days from the date of serving the notice of determination of said Board, to the Circuit Court.

6) AUTHORITY. The Building Board of Appeals shall have authority to determine the suitability of alternate building materials and methods of construction, and to permit variations of the provisions of the building codes if it appears that such provisions do not cover the point raised or that manifest injustice might be or will be done. Any action of the Building Board of Appeals varying the application of a majority of members present.

7) REPORTS. The Building Board of Appeals shall submit a copy for the minutes to the Town Board at the first regular meeting following such action.

Section 6: Building Permits and Inspection

1) PERMITS REQUIRED. No building or structure or any part thereof shall hereafter be built, enlarged, altered, repaired or

demolished within the town of Dunn or permanent building equipment be installed (except as hereinafter provided) unless a permit therefore shall first be obtained by the owner or his agent, from the Building Inspector. The term "building" as used in this section shall include any building or structure and the permanent building equipment thereof and any enlargements, alteration or demolishing of any building or structure or of permanent equipment therein: also any material in any old building and the installation and equipment of underground tanks, vaults and similar structure, except that said term shall not include any building or structure located upon a parcel of land of thirty-five (35) acres or more and used exclusively for agricultural purposes be used as a dwelling and located on any farm within the Town. "Permanent building equipment" shall include any and all provision in buildings for either water, light, heat, power or ventilation service therein.

This ordinance shall not be construed to require a permit for any repairs or minor alteration which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building or the permanent building equipment thereof.

2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the town and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and the name and address of the architect or designer, and shall describe the location of the buildings and the purpose for which it is to be used, and shall contain such other information as the Building Inspector may require. With such application there shall be submitted to the Building Inspector a complete set of plans and specifications, required in standards adopted in Section 14 of this code.

3) APPROVAL OF PLANS. If the Building Inspector finds that the proposed building will comply in every respect with all ordinances of the town of Dunn uniform dwelling code, and all laws and lawful orders of the State of Wisconsin, he shall issue a building permit therefor only after he has made a finding of fact that the exterior architectural appeal and the type of functional plan of the proposed structure will, when erected, not be so at variance with the structure already constructed or in cause a substantial depreciation in the property values of said neighborhood. If the design or function of the proposed structure is thought to be controversial to the neighborhood, the Building Inspector shall submit same to the Building Board of Appeals.

4) ALTERATION OF PLANS. The Building permit shall be kept at the site of the proposed building. At the time of issuance of such building permit the Building Inspector shall officially approve the plans and thereafter the plans and specification shall not be altered in any respect which involves any of the mentioned ordinances, laws or orders or which involves the safety of the building, except with the written consent of the Building

Inspector. In case inadequate plans are presented the Building Inspector may, at his discretion issue a permit for a part of the building before receiving the plans and specifications, for the entire building. It shall be unlawful to commence work on any building unless a permit or a signed waiver of plans has been issued by the Building Inspector.

5) FEE. Before receiving a building permit, ^k the owner, or his agent, shall pay to the Town of Dunn a fee therefore as determined by the Building Inspector using the fee schedule attached as Appendix A.

6) PAYMENT OF FEE. All fees collected shall be paid by the Town of Dunn to the Town Treasurer.

7) PERMIT LAPSES. A building permit shall have lapsed and be void unless building operations are commenced within twelve months from the date of issue. A building permit will expire after 24 months after the date of issue, if the work is not completed within 24 months, a new permit must be applied for.

8) REVOCATION OF PERMIT. If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plans or specifications are not being complied with, he shall revoke the building permit and written notice of such action shall be posted at the site of the work. While any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is re-issued, excepting such work as the Building Inspector shall by written order require to be done as a condition precedent to the re-issuance of the permit.

9) INSPECTION. Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The Building Inspector shall inspect all buildings when ready for lath and plaster, or any other wall covering, of which the general contractor or other person in charge of such work shall notify the Building Inspector before inspection. After inspection, the Building Inspector shall issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon making of which changes the certificates shall be issued. After the issuance of such certificate, no structural part of said buildings shall be changed. Refer to ILHR 20.10.

10) CERTIFICATE OF OCCUPANCY. Buildings shall have final inspection before occupancy, except as herein provided. If, on final inspection by the Building Inspector, the electrical inspector and the plumbing inspector no violation of this or any other ordinance, law or order be found, that fact shall be so certified to by the Building Inspector who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used, also the maximum load and maximum number of persons that may be accommodated on each floor of buildings to be used for public purposes. No building or part thereof shall be occupied until such certificate has been issued except with the written consent of the Building Inspector, nor shall any building be occupied in any manner which conflicts with the

conditions set forth in the certificate of occupancy.

Section 7: Unsafe Buildings

Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by reason of bad conditions, defective construction overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgement of the Building Inspector may be necessary; and he shall also affix a notice such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be in violation of this ordinance.

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 expense of such work may be recovered by the Town in an action against the owner or tenant.

Section 8: Application to Existing Buildings

The following specified requirements shall apply to existing buildings which for any reason whatsoever do not conform to the requirements of this code for new buildings:

If alteration and/or repairs in excess of fifty (50) per cent of the value of any existing building are made to any existing building within any period of twelve (12) months, thereafter when further repairs are necessary, the entire building shall be made to conform to the requirements given herein for buildings; provided, however, that any buildings existing which for any reason require repairs, at any one time in excess of fifty (50) per cent of the value thereof, not deducting from such value any loss cause by fire or any other reason, shall be made to conform to the requirements of this code for new buildings or shall be entirely demolished.

Section 9: Occupancy of Public Areas

Application to place material or machinery on streets, sidewalks or alleys shall be in writing and shall describe the premises by lots, block and street on which such material or machinery is desired to be placed and shall specify the character of the material for which the permit is desired.

Before a permit is granted by the Town of Dunn Public Works Foreman the party applying therefore shall give a bond in the sum of Five Thousand Dollars (\$5,000.00) with a good and sufficient

surety to be approved by the Building Inspector, conditioned to save the Town of Dunn harmless for all liability which may be incurred by the deposit or maintenance of such material or machinery in the deposit or maintenance of such material or machinery in the street, alley, or public ground by the applicant or by his contractor, servants, agents or employees, whether such material or machinery shall be placed within or beyond the limits specified by this chapter.

Such permit shall expire at the end of a reasonable length of time which shall be specified in the permit and upon good cause shown, the Building Inspector may extend any such permit from time to time as may be reasonably required upon written application made to him for that purpose.

Such permit shall not authorize the use of more than one-half of the sidewalk or more than one-third of the carriage way, opposite the premises of the person to whom such permit is granted. no such permit shall be issued where the placing of any machinery upon the street or public ground will unreasonably interfere with the public safety and convenience, or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street or alley.

Section 10: Moving Buildings

1) BOND REQUIRED. Before a permit to move any building is granted by the Town of Dunn, the party applying therefore shall give a bond in the sum of Five Thousand (\$5,000.00) with good and sufficient sureties to be approved by the town Board, conditioned, among other things, that said party will save harmless and indemnify the town against all liabilities, judgments, costs and expense that may accrue in consequence of the granting of such permit. See Fee Schedule.

2) CONTENTS OF PERMIT. Regulations. Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit of time for removal. The removal of a building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector shall so order, until completed, with the least possible obstruction to thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

3) INSPECTION AND REPAIR OF STREETS. Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Building Inspector. The Building Inspector shall thereupon inspect the streets and highways over which said building has been moved and ascertain their conditions. If the removal of said building has caused any damage to the streets or highways, the house-mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the house-mover responsible for the payment of the same.

4) PERMIT FEES. Before the Building Inspector shall issue a permit to move a building, a fee of Twenty-Five and no/100

(\$25.00) Dollars shall be paid to the Town of Dunn.

Section 11: Promulgated by the Wisconsin Flammable Liquids Codes

The storage of flammable liquids above ground on any one premises and the storage in any underground tank within the commercial district or within residential districts shall be subject to the provisions of the flammable liquids code promulgated by the Wisconsin Industrial Commission effective March 25, 1948, which is made a part hereof.

Section 12: Construction Within Commercial Districts

Every building hereafter erected, enlarged or moved within any commercial district shall be constructed as provided in the "Wisconsin Administration Code" as adopted in Section 14.

Section 13: Razing Old or Damaged Buildings

Any existing building within a commercial district which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-half of its assessed value, exclusive of its foundation, shall not be repaired or rebuilt, but shall be ordered removed under the provisions of Section 66.05 (5) of the Wisconsin Statutes by the Building Inspector.

Section 14: Application of State Codes

The Building Code, the Electrical Code, the Plumbing Code, the Flammable Liquids Code, the Well-Drilling Code of the State of Wisconsin and the amendments thereto are hereby adopted by reference and made a part of this code, and it shall be the duty of the Building Inspector to enforce the provisions thereof. Any violation of said codes or amendments thereto to this date shall constitute a violation of this code, whether unlawful building, alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

1) MUNICIPAL SEWER INSTALLATION PERMIT REQUIRED. All residential, commercial or industrial building installations for connection to or with a municipal sewer system shall be performed only after a permit therefore is issued by the appropriate Sanitary District. The installation of same shall be approved by the Plumbing Inspector of such Sanitary District. If a road cut is required to make connection to municipal sewer system, a ROAD EXCAVATION PERMIT is required from the Town of Dunn Highway Foreman.

2) ELECTRICAL PERMIT REQUIRED. No person shall install or have installed any electrical wiring in the Town of Dunn without first obtaining an electrical permit from the Building

Inspector or Electrical Inspector.

3) HEATING AND AIR CONDITIONING PERMIT REQUIRED. No person shall install or have installed any heating equipment or air conditioning in the Town of Dunn, except exempt buildings, without first obtaining permit from the Building Inspector. The installation of heating equipment or air conditioner shall be approved by the Building Inspector.

4) LIMITATION OF CONSTRUCTION ON CERTAIN SOILS. Any construction on soils whose limitations for the intended use are VERY SEVERE or SEVERE as determined by the Dane County Soil Survey shall not be allowed, except when accompanied by a signed statement by a certified engineer, with training in the field of such limitations, that the proposed construction techniques will compensate for said limitations.

Section 15: Penalty for Violation

Any person, firm or corporation who violates, disobeys, omits, neglects, or refused to comply with or who resists the enforcement of any of the provisions of this ordinance shall upon conviction thereof forfeit not less than \$25.00 nor more than \$500.00 each offense, together with the costs of the action. Each day that a violation is permitted to exist shall constitute a separate offense.

In the event the forfeiture and/or costs are not paid, the defendant shall be imprisoned in the county jail not more than 30 days unless the forfeiture and costs are sooner paid.

Section 16: Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the town Board would have passed the other provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.