

Ordinance No. 2015-01 Building Construction

Sec. 6-1-1 Purpose and Intent

1. Purpose. Pursuant to Wis. Stats. s. 101.65, the Town Board of the Town of Durand does hereby ordain a Building Code. The purpose of this code is to regulate construction of and additions or alterations to one- and two-family dwellings, commercial, public and other private buildings and structures and places of employment, except agricultural structures, in the Town of Durand.
2. Intent. The intent of this code is to help ensure health and safety for residents and employees in the Town. It is also the intent of this code to protect existing and future property values.

Sec. 6-1-2 Adoption of Regulations by Reference

1. This chapter adopts the following Wisconsin Administrative Codes.

Uniform Dwelling Code:

SPS	320 Administration and Enforcement
SPS	321 Construction Standards
SPS	322 Energy Conservation
SPS	323 Heating, Ventilating and Air Conditioning
SPS	324 Electrical Standards
SPS	325 Plumbing and Potable Water Standards

2. Chapter ILHR 22 of the Uniform Dwelling Code, Wisconsin Administrative Code, as originally adopted and effective December 1, 1978, and Chapters ILHR 20, 21, 23, 24 and 25 of the Uniform Dwelling Code, Wisconsin Administrative Code, as originally adopted and effective June 1, 1980, and all amendments thereto, are adopted and incorporated in this code by reference. A copy of the code is on file with the Town and the Town Building Inspector.

Sec. 6-1-3 Public Buildings and Places of Employment

1. No person shall build or cause to be built any new public building or place of employment or any alteration or addition to an existing public building or place of employment without first obtaining a commercial building permit from the Building Inspector. This permit shall be issued after receipt of state-approved plans, where required, and sanitary permits (if applicable) and a determination has been made of proper zoning and setbacks as specified in the Town of Durand and Pepin County ordinances and all applicable state, county or Town regulations have been met. The responsibility for all other inspections and code enforcement shall be with the State of Wisconsin or its designee. The Town reserves the right to require a registered design professional stamp and sign all plans prior to submittal on any and all buildings, additions and alterations.

Sec. 6-1-4 Existing Dwellings

1. Chapters SPS 320, 321, 322, 323, 324 and 325 are hereby adopted and shall apply to additions or alterations to existing dwellings within the Town of Durand.

Sec. 6-1-5 Zoning Administrator

1. The Town Zoning Administrator shall be appointed by the Town Board for a term of two years. The Town Zoning Administrator has the powers and duties including collecting fees and issuing Land Use Permits.
2. A Land Use Permit application is required for all new buildings, additions, and alterations and must be approved by the Town Zoning Administrator.

Sec. 6-1-6 Building Inspector

1. There is hereby created the position of Building Inspector, who shall administer and enforce this chapter collect fees and process applications for building permits and who shall be certified by the Department of Safety and Professional Service as specified by W.S.A. s. 101.66(2). This appointment shall be made by the Town Board.
2. The Building Inspector shall have the power and duty to see that the construction, reconstruction, alteration, repair, removal and safety of buildings and moving regulations regarding buildings in the Town of Durand conform to the laws of the State of Wisconsin. In addition, the Building Inspector has the power to see that the above conforms to the orders, rules and regulations laid down by the Department of Safety and Professional Services of the State of Wisconsin and the ordinances, rules and regulations of the Town of Durand and Pepin County and to make all inspections as required.

Sec. 6-1-7 Building Permit Required

1. No person shall build or cause to be built any new one- or two-family dwelling, or any addition or alteration to an existing one- or two-family dwelling, or any swimming pool, accessory or other separate auxiliary building solid-fuel-fired water-heating outdoor appliance for commercial use, or any structure that requires electrical, plumbing or structural footings or supports, or commercial or industrial structure of any type whatsoever without first obtaining a state uniform building permit or a Town building permit for such dwelling, structure, etc., as determined by the Zoning Administrator. No person shall build or cause to be built any public building or place of employment without first obtaining a Town building permit for such building or structure. The building permit application shall be furnished by the Town's Building Inspector. A copy of such permit shall be filed with the Town.

Sec. 6-1-8 Definitions

1. As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Includes but is not limited to a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, materials or any type of vehicles or semi-tractor-trailers.

BUILDING INSPECTOR

The Building Inspector of the Town of Durand, unless indicated otherwise in this chapter.

DWELLING

A building or portion thereof that provides living facilities for one or more families, but not including hotels, motels or boarding houses.

HE

Is used for simplicity and is not meant to specify gender.

PUBLIC BUILDING

Any type of building that is to be open to or frequented by members of the general public.

STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground. The term "structure" shall include, but not be limited to, buildings, signs, foundations, concrete and asphalt pads and equipment boxes.

SWIMMING POOL

Includes but is not limited to all swimming pools (both aboveground and in-ground), spas and hot tubs that require ground to be broken and/or excavation for their installation and/or those that exceed 5,000 gallons.

UDC

Uniform Dwelling Code.

Sec. 6-1-9 Fees, Violations, and Penalties

1. Fees. The building permit fees shall be set by the Town Board and may be changed from time to time.

2. Penalties.
 - a. If construction is started prior to issuance of a permit, the fee will be double for the first violation and triple for subsequent violations.
 - b. The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and/or injunctive action. Any person, firm or corporation violating any provision of this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$1,000 and the costs of prosecution. Each day the violation continues after written notice is delivered to the occupant, owner (as designated on any permit application as submitted to the Town) or construction person apparently in charge on the site shall constitute a separate violation.

Sec. 6-1-10 Application Process: Issuance of Permit

1. Application for a building permit shall be made, in writing, upon a form furnished by the Town's Building Inspector. The appropriate building requirements of the Town and, where applicable, of the county or the state for the contemplated improvement shall be provided to the permit applicant by the Town at or before the submission of an application for a building permit.
2. Plans and drawings. The building permit applicant shall submit with the application two complete sets of site plans and specifications, one set of blueprints and an erosion control plan.
 - a. Site plans shall include setback requirements as noted in Section 13, Zoning Ordinance, Durand Town Code of Ordinances.
3. County permits. The applicant must obtain any permits required by Pepin County and include copies of such permits with the building permit application, including a county driveway permit, if necessary.
4. Driveway permits. The building permit applicant shall submit with the application a driveway permit which shall be applied for and obtained from the Town Board for Town roads or private roads. All other driveway permits are issued by the county or state.
5. Approval of plans and issuance of building permit. If the Building Inspector determines that the proposed building, addition or alteration will comply in every respect with all the ordinances of the Town and all applicable laws and regulations of the State of Wisconsin and is not in violation of the Pepin County Subdivision Ordinance or Town Subdivision Ordinance, he shall conditionally approve the plans and issue a building permit which shall be valid for 24 months. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or regulations or which involves the safety of the building or occupants. One copy of the approved plan shall be returned to the applicant. One copy shall be retained by the Town.
6. State Uniform Dwelling Code seal. At such time as a building permit is issued for one- or two-family dwellings, it shall have affixed to it a State of Wisconsin Uniform Dwelling Code seal.
7. Fees. Fees shall be submitted to the Town at the time the application is filed. Fees for plan examination, inspection, driveway permit, culvert, house number, variance application and issuance of the building permit shall be set by the Town Board.
8. 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 or repairs..

Sec. 6-1-11 Exceptions

1. Minor additions or physical alterations which do not change occupancy area, structural strength, fire protection, exits, natural light or ventilation do not require a building permit.

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2. Repairs or alterations that change any one of the above items require a permit.
3. Landscaping, not including decks, may be done without a permit.

Sec. 6-1-12 Disapproval of Plans and Denial of Permit

1. If the Building Inspector determines that the building permit application or plans do not conform to the provisions of the applicable codes or ordinances or other requirements, approval shall be denied.
2. Denial of application. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or to the owner as specified on the application.
3. Stamping of plans. Plans and specifications which do not substantially conform to the provisions of the Building Code shall be stamped "Not Approved." One copy shall be returned to the applicant and one copy retained by the Town.
4. Appeals. The applicant may appeal a denial of an application to the Town Board.

Sec. 6-1-13 Time Limit for Action on Application; Posting of Permit

1. Time for permit issuance. Action to approve or deny a building permit application shall be completed within 10 business days of receipt of all of the forms, fees, plans and documents required to process the application.
2. Posting of permit. The building permit and other permits required by the Town, county, state or other municipalities shall be posted in a conspicuous place at the building site and within view of the adjacent roadway.

Sec. 6-1-14 Revocation of Permit

1. If the Building Inspector finds at any time that the provisions of this chapter are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work.
2. When any permit is revoked, no further work shall be done until the permit is reissued, except such work as the Building Inspector may order as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.

Sec. 6-1-15 Lapse of Permit

1. A building permit shall lapse and be void unless construction under the permit is commenced within twelve months from the date of issuance thereof. Permits issued for single- and two-family dwelling, commercial structures, and/or any alterations and/or additions to these structures for which the estimated construction cost of the alteration or addition exceeds \$100,000, as verified by the R. S. Means Construction Cost Estimation System, shall lapse and be void if the permit purpose has not been fully completed within 24 months from the date of issuance of the permit. Permits issued for any other purpose shall lapse and be void if the permit purpose has not been completed within 12 months of issuance. Once a permit has lapsed, no further work shall be performed under such lapsed permit until such time as a new permit has been issued.

Sec. 6-1-16 Inspections

1. All inspections for the purpose of administering and enforcing the UDC and Town Building Code shall be performed by a certified inspector who shall conduct inspections according to the respective codes being applied and enforced.
2. Notification. The builder shall give the Building Inspector, for all inspections required by UDC Chapter 20.10, 48 hours' notice as per UDC.

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3. Witness to inspection. It is recommended that a representative of the developer, contractor, builder or owner be present at each required inspection. It shall be the responsibility of the developer, contractor, builder or owner to coordinate inspection times and dates with the Building Inspector.
4. Reinspections. Any reinspections necessary due to incomplete work or noncomplying conditions shall be subject to an additional fee per inspection to be paid in full prior to the issuance of the occupancy permit.

Sec. 6-1-17 Exceptions

1. Application. Property owners or their representatives may apply for an individual variance from the UDC or Town Building Code on an application filed with the Town Clerk or Zoning Administrator.
2. Required information and fees. The following items shall be submitted by property owners or their representatives when requesting a variance:
 - a. A clear and concise written statement of the specific provisions of the code for which a variance is requested, together with a statement of the procedures and materials to be used if the variance is granted.
 - b. A fee for processing the application. Such fees will be set from time to time by the Town Board.
3. Procedure. The Building Inspector shall review the application and forward his written recommendation and reasons to the Town of Durand Board of Appeals. The Town of Durand Board of Appeals will then hear the variance application and decide whether the variance should be granted.
4. Findings. No appeal to the provisions of this chapter shall be granted by the Town Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
 - a. Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of this chapter.
 - b. Exceptional circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions present so that the granting of the variance will not be so general or recurrent in nature as to suggest that the chapter should be changed.
 - c. Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of any variance.
 - c. Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public safety and interest.
5. Decision. The Town Board shall transmit its meeting minutes and decisions, in writing, to the Town Clerk within seven days of the hearing.

Sec. 6-1-18 Unsafe Buildings

1. Whenever the Building Inspector finds any building or part thereof within the Town to be, in his judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, unreasonable to repair or otherwise unfit for human habitation, occupancy or use, the Building Inspector shall order the owner to raze and remove such building or part thereof. If a building or part thereof can be made safe by repairs, the owner may make it safe and sanitary or raze it at his own option and expense. The building owner has 30 days to respond to the order to raze or remove such building and 30 to 60 days from the issuance of the order to either raze, remove, or make safe by repairs. Such order and proceedings shall be as provided in Wis. Stats. s. 66.0413.

Sec. 6-1-19 Swimming Pools

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1. A land use permit shall be required.
2. An application for a land use permit shall show:
 - a. The type and size of the pool.
 - b. A site plan, to include:
 - 1) Location of the pool.
 - 2) Location of the house, garage, fencing, well, drain field and septic tank on the lot.
 - 3) Location of filter unit, pump and wiring (involving location).
 - 4) Location of back-flush and drainage outlets.
 - 5) Grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
 - 6) Location of existing overhead or underground wiring, utility easements, trees and similar features.
3. In single-family and two-family districts:
 - a. Pools for which a permit is required shall comply with the yard requirements for principal structures in the district in which they are located.
 - b. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
 - c. Pools shall not be located in an alternate septic field/drain field site.
 - d. Pools shall not be located in or on any easement of any private or public utility, walkway, drainage area or other easement.
 - e. For in-ground pools, due precautions shall be taken during the construction period to:
 - 1) Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - 2) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringement onto adjacent property.
4. To the extent feasible, back-flush water or water from pool drainage shall be discharged on the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land without the written permission of the adjacent owner.
5. The filter unit, pump, heating unit and any other noisemaking mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure or shall be enclosed in a sound-restrictive enclosure not closer than 25 feet to any lot line.
6. Lighting for the pool shall be directed into or onto the pool and not onto adjacent property.
7. All swimming pools shall be surrounded by a fence not less than four (4) feet nor more than six (6) feet in height. Sidewalls of above-ground pools four (4) feet high may be used in lieu of a fence. As an alternative to a fence, an automatic pool cover may be utilized if it meets the standards of F1346-91 (Reapproved 1996) of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM. Access to the swimming pool shall be controlled by a self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. For an aboveground pool, a tip-up ladder may be provided in lieu of a gate. Pools shall be covered when not in use if an automatic pool cover is utilized.
8. Water in the pool shall be maintained in a suitable manner to avoid health hazards.
9. All wiring, lighting, installation of heating unit, grading, installation of pipes and all other installations and construction shall be subject to inspection by the Building Inspector.
10. Required safety fencing shall be installed immediately upon completing the pool.
11. There shall be no nuisances, such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, etc.
12. Drainage of pools into public streets or other public drainage ways shall require permission of the Town Chairperson.

Sec. 6-1-20 Enforcement; Right of Entry

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1. Except where otherwise provided in this code, the Zoning Administrator and Building Inspector shall have the general management and control of all matters pertaining to building inspection and shall enforce all state laws, Town ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures, dwellings, public buildings and places of employment in the Town of Durand.
2. The Zoning Administrator and Building Inspector 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 and to require the production of the permit for any building work being done or the required license. No person shall interfere with or refuse to permit access to any such premises to the above-described representatives of the Town while in the performance of their duties. Any person who shall willfully or knowingly resist or obstruct the inspector in the performance of his duty shall be guilty of a violation of this chapter.

Sec. 6-1-21 Records and Reports

1. The Building Inspector and Zoning Administrator shall maintain a record of all permits issued which shall be kept on file.
2. The Building Inspector and Zoning Administrator shall make a monthly and annual written report to the Town Board of all permits issued, violations noted and fees collected.

Sec. 6-1-22 Occupancy Permits

The Building Inspector shall issue occupancy permits.

1. All inspections shall have been satisfactorily completed, the well construction report shall have been received, all required fees shall have been paid and all required terms of this Building Code shall have been met before an occupancy permit will be issued.
2. No single- or multiple-family dwelling may be occupied by any person or party until an occupancy permit has been issued.
3. A penalty will be charged if a dwelling is occupied prior to issuance of an occupancy permit.

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this _____ day of _____, 20__.

Officials Signatures

Town Chair

Attest: [Signature of town clerk]

Supervisor I

Supervisor II