

CHAPTER 14
BUILDING CODE

14.01 Adoption

14.02 Administration and Enforcement

CHAPTER 14 - BUILDING CODE

14.01 ADOPTION. The Village hereby adopts the City of Wisconsin Rapids Building Code, as amended from time to time, by reference.

14.02 ADMINISTRATION AND ENFORCEMENT. The Village Building Inspector shall administer and enforce this chapter within the Village.

Chapter 14

Building Code

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14.01 TITLE.

This chapter shall be known as the "Building Code of the City of Wisconsin Rapids" and will be referred to in this chapter as "this code".

14.02 PURPOSE.

This code provides certain minimum standards, provisions, and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such buildings, and the general public.

14.03 SCOPE.

New buildings or structures hereafter erected in, or any building or structure hereafter moved within or into the City shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the City and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

14.04 BUILDING INSPECTOR.

- (1) General Powers and Duties. The building inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He shall direct the activities of the

plumbing inspector and the electrical inspector.

(2) Qualifications.

- (a) The building inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.
- (b) The building inspector shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code and the Wisconsin Commercial Code.

14.03 RECORDS.

The building inspector or his designee shall keep a record of all applications for building permits in a file and/or data base and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a monthly report to the common council and mayor on the above matters.

14.04 APPEALS.

Any person feeling himself aggrieved by any order or ruling of the building inspector may within 20 days thereafter appeal from such order or ruling to the Building Board of Appeals, such an appeal to be in writing.

14.05 BUILDING PERMITS AND INSPECTION.

- (1) Permit Required. No building or structure of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the City, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the building inspector .
- (2) Application. Application for a building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the building inspector may require. In the event the building inspector determines that the estimated cost of the project will be less than \$300.00, a building permit shall not be required; however, any accessory structure shall be subject to the zoning setbacks as required under Chapter 17 of this code and all fences, signs or temporary structures require a permit regardless of the cost.
- (3) Utilities Required. No final inspection shall be completed for the construction of any residential building until sewer and water is installed and grading and graveling of the street necessary to service the property for which the permit is required is completed.
- (4) Plans. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations, if necessary. One plan shall be submitted which shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wisconsin Administrative Code IHLR a.k.a. COMM 20.09.
- (5) Approval of Plans. If the building inspector determines that the building will comply with all ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the building inspector, at his

- discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (6) 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, repairs or moving.
 - (7) Fees for Building Permits and Inspections. At the time the application for a building permit or other designated permit is filed, the applicant shall pay fees in accordance with the published fee schedule.
 - (8) Minor Repairs and Alterations. The building inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring an additional building permit to be issued.
 - (9) Inspection of Work. The permittee or an authorized representative shall, in writing or orally, request inspections by the building inspector at appropriate times required for the enforcement of this code. The building inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if the inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the building inspector.
 - (10) Permit Lapses. A building permit shall lapse and be void unless building operations are commenced within 12 months, or no significant progress has been made within 2 construction seasons, from the date of issuance thereof. In any event, all permits shall lapse 2 years from the date of issuance.
 - (11) Revocation. If the building, plumbing, or electrical inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the building, electrical, or plumbing inspector may order to be done as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.
 - (12) Report of Violations. The police, fire, or other city officers shall report at once to the building inspector any construction which is being carried on without a permit as required by this chapter.

14.06 CONSTRUCTION AND RENOVATION OF BUILDINGS, STATE CODES ADOPTED.

- (1) Wisconsin Administrative Code IHLR a.k.a. COMM Chapters 50-69 are hereby adopted by reference and made a part of this chapter with respect to those classes of buildings to which said Chapters 50-69 specifically apply. Any future amendments, revisions and modifications of said Chapters 50-69 incorporated herein are intended to be made a part of this code. A copy of said Chapters 50-69 and amendments thereto shall be kept on file in the office of the building inspector.
 - (a) Terms. The building terms used in this chapter shall have the meaning given them by the State Building Code.
 - (b) Dwelling. The term "dwelling" includes every building occupied exclusively as a residence by not more than 2 families.
- (2) Wisconsin Uniform Dwelling Code Adopted.
 - (a) Wisconsin Administrative Code IHLR a.k.a. COMM Chapters 20 to 25 are hereby adopted by reference and made a part of this chapter and shall apply to all new one- and two-family dwellings and all additions to existing and new one- and two-family dwellings. Any future amendments, revisions and modifications of said Chapters 20 to 25 incorporated herein are intended to be made a part of this code. A copy of said Chapters 20 to 25 and amendments thereto shall be kept on file in the office of the building inspector.
 - (b) Wisconsin Administrative Code IHLR a.k.a. COMM Chapters 20 to 25 are hereby adopted by reference and made a part of this chapter and shall pertain to all remodeling or alterations in existing one- and two-family dwellings. Any future amendments, revisions and modifications of said Chapters 21 to 25 incorporated herein are intended to be made a part of this code. A copy of

said Chapters 21 to 25 and amendments thereto shall be kept on file in the office of the building inspector.

14.07 GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Private garages shall be located as allowed by the Zoning Ordinance. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable.

14.08 PRIVATE SWIMMING POOLS.

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the city except in accordance with the following regulations.

- (1) Definition. "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.
- (2) Permit.
 - (a) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the building inspector.
 - (b) Application. Application shall be on forms provided by the building inspector and shall be accompanied by plans drawn to scale showing the following:
 - (1) Location of pool on lot, distance from lot lines and distance from structure.
 - (2) Location of water and sewer lines.
 - (3) Pool dimensions and volume of water in gallons.
 - (4) Existing overhead wiring relative to proposed pool.
- (3) Construction Requirements.
 - (a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by Chapter 11 of this code for permitted accessory building uses, and the waterline of any pool shall not be less than 5 feet from any lot line or building.
 - (b) No connection shall be made to the sanitary sewer.
 - (c) Gaseous chlorination systems shall not be used for disinfecting pool waters.
 - (d) No above-ground pool shall be less than 5 feet from any sewer line.
- (e) All pools shall be secured with a 6' high fence or as stipulated by the property owner's insurance company.
- (4) Electrical Requirements.
 - (a) To comply with Electrical Codes. All electrical installations shall require separate permits and shall be governed by the City or State Electrical Code.
 - (b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.
- (5) Use of Pool. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

14.09 RADIANT HEATING UNITS.

- (1) Definition. "Radiant heating unit" is a room heater, stove or free standing fireplace used to heat a room or rooms using the combustion of such solid fuels as wood or coal as a source of heat.
- (2) Permit Required. It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the city without first having obtained a permit from the building inspector.
- (3) Application for Permit. Application for a permit shall be made on a form provided by the building inspector. The following data shall be submitted with the application:
 - (a) The manufacturer's installation, maintenance, operations manual, and listing information.
 - (b) Type and size of chimney.

- (c) The proposed chimney flue or new chimney flue size.
 - (d) The number and size of existing vent connections to the chimney flue.
 - (e) The clearance distance from any wall or ceiling; if less than 36 inches from any wall or ceiling, the description of fire resistant material to cover such wall or ceiling.
 - (f) The type of floor on which unit will be mounted; if the floor is combustible, the type and size of fire resistant covering to be used.
 - (g) Any other information required by the building inspector relating to the safety and operation of the unit.
- (4) Issuance of Permit. Upon examination of the application and accompanying data by the building inspector, the inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this section and, if so, issue the permit; if not, the building inspector shall state, in writing, his reasons for not issuing the permit.
 - (5) Inspection. No person may operate or permit the operation of a radiant heating unit until the building inspector has inspected and approved the installation thereof.

14.10 NEW METHODS AND MATERIALS.

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Safety and Buildings division. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Safety and Buildings division. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Safety and Buildings division.

14.11 UNSAFE BUILDINGS.

Whenever the building inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or 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, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Sec 66.05, Wisconsin Statutes. 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 expenses of such work may be recovered by the City in an action against the owner or tenant.

14.12 MOVING BUILDINGS.

- (1) General. No person shall move any building or structure upon any of the public ways of the municipality without first obtaining a permit therefor from the building inspector and upon the payment of the 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) 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 any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (3) Street Repair. Every person receiving a permit to move a building shall within one day after said building reaches its destination, report that fact to the building inspector who shall thereupon in the company of the municipal public works superintendent, inspect the streets and highways over which said building has been moved and ascertain their 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 as 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 street and hold the person obtaining such permit or his insurance responsible for the payment of same.
- (4) 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 with requirements of this Building Code in all respects.
 - (5)
 - (a) 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.
 - (b) Each building that is moved shall have its electrical service upgraded to conform with the Municipal electrical code as outlined in Chapter 17.
 - (c) In the event a building is to be moved from the municipality to some point outside the boundaries thereof, the provisions with the respect to the furnishing of plans and specification for proposed alterations to such building, may be disregarded.
 - (6) Insurance. The building inspector shall require public liability insurance covering injury to one person in a sum of not less than Two Hundred Fifty Thousand (\$250,000) Dollars and for one accident in a sum not less than Five Hundred Thousand (\$500,000) Dollars, together with property damage insurance in a sum not less than Five Hundred Thousand (\$500,000) Dollars, or such other coverage as deemed necessary.
 - (7) Public Property Committee.
 - (a) No such permit shall be issued unless it has been found as a fact by the Public Property Committee of the municipality by at least a majority vote, after an examination of the application for the permit and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood, or the character of applicable district established by the zoning ordinances of the municipality, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the same, he shall submit with his application papers, complete plans and specification for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a performance bond, certified check, bank cashier's check or personal check to the municipality, which shall not be less than \$500 or 10% of the assessed value whichever is greater.
 - (b) Upon application being made to the building inspector he shall request a meeting of the Public Property Committee to consider applications for a moving permit which he has found comply in all respects with all other ordinances of the municipality. The building inspector shall than notify all landowners within one block of the boundary of the proposed location of the time and date of such public property committee meeting by the time the agenda is published. The Public Property Committee may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owner, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time, and within forty-eight (48) hours after the close of the hearing, the Public Property Committee shall, in writing, make or refuse to make, the finding required by subsection (6) hereof, and file it in the office of the clerk, who shall send a copy of it to the building inspector.
 - (8) Board of Appeals.

- (a) On an appeal to the Board of Appeals, in the absence of proof to the contrary adduced before the Board of Appeals, a refusal to grant the moving permit because of refusal of the Public Property Committee to make the finding required by subsection (6), thereof, such refusal shall be deemed to be passed upon facts supporting a conclusion that the exterior architectural appeal and functional plan of the building to be moved or to be moved and altered, for which a permit was refused, would, when moved or altered, be so at variance with all of the exterior architectural appeal and functional plan of buildings already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district, as to cause substantial depreciation in the property values of the neighborhood within said applicable district.
- (b) Any person entitled to appeal from the grant of or refusal of the building inspector to grant said moving permit may appeal to the Board of Appeals in the same manner and with the same force and effect as if this ordinance has not been adopted and the building inspector had taken such action independently of the Public Property Committee.

14.13 APPLICATION OF STATE CODES.

Wisconsin Administrative Code IHLR a.k.a. COMM Chapter 20 through 25, Chapters 50-69 and Chapters 160-164; the State Electrical Code; the State Plumbing Code; the State Flammable Liquids Code; and the State Well Drilling Code are hereby adopted by reference and the building inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto 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.

14.14 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this code is to improve the quality of housing in the City. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

14.15 STOP WORK ORDER.

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 representatives and a copy thereof shall be posted at the site of the construction. Such stop work order shall not be removed except by the written notice of the building inspector after satisfactory evidence has been supplied that the violation has been corrected.

14.16 PENALTIES AND VIOLATIONS.

Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The building inspector shall promptly report all such violations to the city attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 1.07 of this Code. 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 building inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

Should the building inspector feel that remedy by local citation is the best remedy he shall cause such citation to be issued and file such citation and supporting documents that he feels are necessary with the municipal court clerk for action in such court.