

TOWN OF LIMA, ROCK COUNTY, WISCONSIN

BUILDING CODE

ORDINANCE NO. _____

The **Town of Lima, Rock County**, Wisconsin, do ordain, as follows:

Section 1 – Permit Required, Fees

Except as otherwise expressly provided in this Ordinance, no owner or contractor may construct, erect, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid permit is obtained from the Town of Lima Building Inspector. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

- 1) The foregoing described work that shall require a building permit includes, but is not limited to:
 - a) New 1-and 2-family dwellings and commercial buildings including agricultural buildings, detached structures (decks), and detached accessory buildings.
 1. The aforementioned work shall also be required to meet the square footage requirements as set forth in Section 4.3 of the Town of Lima Zoning Ordinance.
 - b) Additions that increase the physical dimensions of a building including all garages, decks, balconies, stoops, and similar structures that are attached to any building.
 - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
 - d) Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.
 - e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
 - f) Any HVAC for new construction or remodeling.
 - g) Any plumbing for new construction or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.
- 2) The following construction activities shall not require a building permit:
 - a) Re-siding, re-roofing, and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
 - b) Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment.
 - c) Normal repairs of HVAC, plumbing, and electrical, or systems such as replacing switches, receptacles, light fixtures, and dimmers.
- 3) Building permit fees.
 - a) At the time of building permit issuance, the applicant shall pay fees as established by resolution periodically by the Town Board.
 - b) If work commences prior to permit issuance, the permit fee shall be double.
- 4) Permit Lapses.
 - a) A building permit issued under this Ordinance, other than Wisconsin Uniform Building Permits, shall lapse and be void unless building operations commence within six (6) months and if

construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

5) Permit Revocation.

- a) The Town Building Inspector or the Town Board (or its designee) may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter 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 the Town Building 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.
 2. When the continuance of any construction becomes dangerous to life or property.
 3. When there is any violation of any condition or provisions of the application for permit or of the permit.
 4. When, in the reasonable judgment of the Town Building Inspector, there is inadequate supervision provided on the job site.
 5. When any false statement or 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. When there is a violation of any of the conditions of an approval or occupancy given by the Town Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- b) The notice revoking a building, plumbing or electrical permit, certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his or her 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.
- c) 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, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Ordinance. However, such work as the Town Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Town Building Inspector may require for the preservation of life and safety.

Section 2 – Adoption of State Codes

- 1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, modifications, and revisions, are adopted by the Town of Lima and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code
Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services- Regulation of Industry, Buildings, and Safety	

- 2) The building codes shall apply to the alteration, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code.
- 3) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

Section 3 – Certified Municipality Status

- 1) Certified Municipality. The **Town of Lima** has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - a) Responsibilities. The Town has assumed the following responsibilities for the Department of Safety and Professional Services (“the Department”):
 1. Provide HVAC and structural inspection of all sized commercial buildings with certified commercial building inspectors.
 2. Provide HVAC and structural plan review of all sized commercial buildings with certified commercial building inspectors.
 - b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 1. All commercial buildings, without size limitations, pursuant to the Town’s status as Appointed Agent of the Department per Wis. Stat. § 101.12(3g).
 - c) Notes.
 1. The Town Board may elect to waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 2. In the event the Department waives its jurisdiction for the plan review of a specific project by agreement with the Town, plans and specifications shall be submitted to the Town for review and approval.
 - d) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 1. Building permit application.
 2. Application for review – on Department Form SBD-118, or equivalent.
 - a. Fees shall be imposed per Table SPS 302.31-2 and SPS 302.31.
 - b. Fees apply to commercial projects.
 3. Four sets of plans.
 - a. Signed and sealed per SPS 361.31.
 - b. One set of specifications.
 - c. Component and system plans.
 - d. Calculations showing code compliance.

Section 4 – Building-HVAC-Electrical-Plumbing Inspector

- 1) Creation and Appointment. There is hereby created the office of the Building Inspector. The Building Inspector shall be appointed by the Town Board. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.

- 2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code, by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises from the Inspector or his/her agent while in the performance of his/her duties. If the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.
- 5) Inspection results. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.

Section 5 - Violations and Penalties

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this Ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Section 6 – Unsafe Buildings – Razing or Repair

- 1) 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 or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. 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 guilty of a violation of this Ordinance.
- 2) 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.
- 3) Whenever any building or portion thereof is, in the judgment of the Building Inspector, so old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building, at the owner's option; or, where there has been a cessation of normal construction of any building or structure for more than two years, to raze and remove such building or part thereof. The order

shall specify a time within which the owner shall comply therewith and shall specify repairs, if any. It shall be served as provided by Wis. Stats. § 66.0413.

- a) If the owner fails or refuses to comply within the time prescribed, the Building Inspector shall cause the building, or part thereof, to be razed and removed or closed if unfit for human habitation, use or occupancy. The cost of such razing and removal or closing shall be charged against the real estate upon which the building is located and shall be a lien upon such real estate and the amount thereof shall be certified by the Building Inspector to the Town Treasurer, which shall be collected as a special tax.
- b) If the building, or part thereof, is unsanitary and unfit for human habitation, occupancy, or use, and is not in danger of structural collapse, the Building Inspector shall placard the premises as follows: "This Building Cannot Be Used for Human Habitation, Occupancy, Or Use."

Section 7 – Severability

- 1) If any section or portion of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Adopted by the **Town of Lima, Rock, County, WI** on this date_____.

SUMMARY OF ORDINANCE FOR PUBLICATION

PLEASE TAKE NOTICE THAT the Town Board of the Town of Lima, Rock County, Wisconsin, has adopted a Building Code Ordinance as Ordinance No. _____. The Ordinance adopts the Uniform Dwelling Code, and creates the status of the Town of Lima as a certified municipality with authority to administer the State Commercial building Code. It also includes provisions for razing and repair of unsafe buildings, and imposes certain penalties for violation of the Ordinance.

The full text of the Ordinance may be obtained from the Town Clerk, Pam Hookstead by calling her at 262-473-8515, by viewing it on the Town's web site at townoflimarockwi.com, or by viewing the Ordinance at the Lima Town Hall at 1053 Willow Drive, Whitewater, Wisconsin, where it is posted.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Lima on the _____ day of _____ 2024, and that on the _____ day of _____, 2024, a copy of the above Ordinance was posted in three places in the Town as follows:

Pam Hookstead, Town Clerk,
Town of Lima
Rock County, Wisconsin

Subscribed and sworn to before me this
_____ day of _____ 2024.

Notary Public, Rock County, Wisconsin
My Commission expires: _____