

2025-01

**An Ordinance Amending Ordinance 2005-01 Uniform Dwelling Code  
in relation to adopting DSPS 327 and updating Building permit requirements**

**WHEREAS**, the Town of Wescott Adopted Ordinance No 2005-01, which adopts the Uniform Dwelling Code

**WHEREAS**, the Department of Safety and Professional Services established uniform statewide construction standards and inspection procedures for camping units in accordance with the requirements of ss.101.63 (1), 101.82 (1) and 145.02 (2)(b), which applies to all camping units for which construction commenced on or after February 6, 2017

**WHEREAS**, the Town of Wescott deems it in the best interests of the Town of Wescott to amend ordinance 2005-01, to add the adoption of SPS 327

**WHEREAS**, The Town of Wescott reviewed the current ordinance and found areas for updating.

**WHEREAS**, Ordinance 2005-01 and any related ordinances is incorporated in Chapter 89 of the Town of Wescott code book.

**NOW THEREFORE**, the Town Board of the Town of Wescott ordains as follows:

- 1) **Section 89-3 Scope will be amended to read:** This article applies to the construction and inspection of all one- and two-family dwellings built since June 1, 1980; the alteration or addition to dwellings built prior to June 1, 1980; and all garages and other residential accessory buildings exceeding 200 square feet in area, and camping units as defined in SPS 327.08
- 2) **Section 89-4 General Provisions subsection A) will be amended to read:** Wisconsin Uniform Dwelling Code adopted. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 **and 327** of the Wisconsin Administrative Code ("Code") and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this article.
- 3) **Section 89-5 Building Permits subsection A) will be amended to read:** Building permit required. No person shall build, add onto or alter any building within the scope of this article without first obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that require extensions shall require permits.
- 4) **Section 89-5 Building Permits subsection G) will be amended to read:** Bond required
  - (1) Amount of bond. At the time of application for a building permit involving the modification or remodeling of an existing building or structure, or the construction of any new building or structure, where the total cost of the modification, remodeling or

construction is anticipated to exceed \$50,000, the applicant shall deposit a cash bond with the Town Clerk in the amount of \$1,000.

(2) Use of bond proceeds. The bond proceeds shall be held by the Town Clerk until such time as an occupancy permit has been issued, at which time the bond proceeds, or the portion thereof remaining on deposit with the Town Clerk, shall be returned to the applicant. It is the sole responsibility of the applicant to repair any damage caused to the road, right-of-way, culverts, or drainage ditches adjacent to the property of the applicant where such damage occurs incident to construction or remodeling activities contemplated by issuance of the building permit. Additionally, it is the sole responsibility of the applicant to clean up and restore such roads, rights-of-way, culverts, or drainage ditches to their original condition prior to the construction or remodeling activities. In the event any town road or right-of-way, or any culvert or drainage ditch adjacent to the applicant's property, is damaged, left in an untidy or messy condition, or not otherwise restored to its original condition incident to the modification, remodeling or construction of any building or structure, the Town Clerk shall use the bond proceeds to the extent sufficient, to indemnify the town with respect to any repair and cleanup costs incurred by the town. In addition, the Town Clerk shall use the bond proceeds, to the extent sufficient, to pay any additional inspection fees incurred by the town as to any inspections undertaken at the direction of the Building Inspector which are in excess of those contemplated in the fee charged for issuance of the building permit. The Town Clerk shall notify the property owner promptly in writing of any funds to be retained by the town for such damages, and the applicant may thereafter, within thirty (30) days, apply to the Town Board for the review of any such charges. The decision of the Town Board shall be final.

(3) Forfeiture. In the event any person for whom a building permit has been issued occupies a building before the final inspection of the building has occurred and before an occupancy permit has been issued as provided under the terms of this code, or fails to complete exterior construction and landscaping within two years of issuance of a building permit, the cash bond on deposit with the Town Clerk shall be deemed forfeited. Notice of such forfeiture shall be promptly sent to the applicant. The Town Clerk shall notify the property owner promptly in writing of the forfeiture of the cash bond. The applicant may thereafter, within thirty (30) days, apply to the Town Board for the review of any such charges. The decision of the Town Board shall be final. Forfeiture of the cash bond will not affect the ability of the town to issue citations or pursue injunctive relief for any violations as provided in this Code.

(4) Release of bond. At such time as the final inspection of the building or structure has occurred, and an occupancy permit has been issued for the building or structure, the Building Inspector shall notify the Town Clerk who shall remit the applicant to proceeds of the cash bond remaining on deposit with the Town Clerk.

- 5) **89-5 Building Permits subsection H will be added to read:** H. Suspension or revocation. The Town may suspend or revoke any building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the Building Inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.

- 6) Appendix A is attached, which highlights the amendments as described above.  
7) All other provisions of Ordinance No. 2005-01, and related amendments remain the same

Adopted July 10, 2025.

This ordinance is effective August 1<sup>st</sup>, 2025, and upon:

Publication in the Shawano Leader being 7-18, 2025

This ordinance is effective upon proper posting at: The Town of Wescott, Town Hall (N5794 Old Keshena Rd, Shawano, WI 54166) The Town of Wescott Fire Station, W5844 Lake Dr, Shawano, WI 54166) on July 14, 2025

Brian Moesch  
Brian Moesch, Chairman ☒ Yes/No

Absent  
Terry Moede, Supervisor Yes/No

Michael Stupecky  
Michael Stupecky, Supervisor ☒ Yes/No

Bruce (Duffy) Schultz  
Bruce "Duffy" Schultz, Supervisor ☒ Yes/No

Marlene Brown  
Marlene Brown, Supervisor ☒ Yes/No

Angela Vreeke  
Attest: Angela Vreeke, Clerk

# Ordinance 2025-01 Appendix A

## ARTICLE I

### Uniform Dwelling Code

[Adopted 2-8-2005 by Ord. No. 2005-01]

#### § 89-1. Authority.

This article is adopted under authority granted by §§ 101.65, 61.34 and 66.1341, Wis. Stats. This article repeals and recreates Ord. No. 82-3 adopted March 9, 1982; Ord. No. 94-9 adopted October 11, 1994; Ord. No. 99-9 adopted July 13, 1999; Ord. No. 99-11 adopted October 12, 1999; Ord. No. 01-2 adopted May 7, 2001; Ord. No. 01-3 adopted July 17, 2001; Ord. No. 02-2 adopted January 8, 2002; and Ord. No. 03-2 adopted May 13, 2003.

#### § 89-2. Purpose.

The purpose of this article is to promote the general health, safety, welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

#### § 89-3. Scope.

This article applies to the construction and inspection of all one- and two-family dwellings built since June 1, 1980; the alteration or addition to dwellings built prior to June 1, 1980; and all garages and other residential accessory buildings exceeding 200 square feet in area, and camping units as defined in SPS 327.98.

#### § 89-4. General provisions.

- A. Wisconsin Uniform Dwelling Code adopted. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 and 327 5—of the Wisconsin Administrative Code ("Code") and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this article.
- B. Building Inspector. There is hereby created the position of Building Inspector who shall administer and enforce this article and shall be certified by the Department of Safety and Professional Services as specified by § 101.66(2), Wisconsin Statutes, in the category of Uniform Dwelling Code Construction Inspector. Additionally, the Building Inspector shall possess certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.  
**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Appointment. The Building Inspector shall be appointed by the Town Board.
- D. Records. The Building Inspector shall keep a record of all applications for building permits in a book for such purposes. The Building Inspector shall mark all building permits in the order of their issuance.
- E. Inspections. The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Inspections shall be conducted in accordance with § SPS 320.10, Wis. Adm. Code, as set forth below.

F. Required inspections. Inspections shall be conducted to ascertain whether or not the construction or installations conform to the conditionally approved plans, the Wisconsin building permit application and the provisions of the Code and shall notify the permit holder and the owner of any violations to be corrected.

(1) Inspection notice. The applicant or an authorized representative shall, in writing or orally, request inspections of the Building Inspector. The Building Inspector shall perform the requested inspection within two business days after notification, except the final inspection. Construction shall not proceed beyond the point of inspection until the inspection has been completed. Construction may proceed if the inspection has not taken place within two business days of the notification if otherwise agreed between the applicant and the Building Inspector. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) Inspection types. The following sequence of inspections shall be performed for the purpose of determining if the work complies with the Code:

(a) Footing and foundation inspection. The excavation shall be inspected after the placement of forms, shoring and reinforcement, where required, and prior to the placement of footing materials. Where below-grade drain tiles, waterproofing or exterior insulation are required, the foundation shall be inspected prior to backfilling.

(b) Rough inspection. A rough inspection shall be performed for each inspection category listed in Subsection F(2)(a) through (e) after the rough work is constructed but before it is concealed. All categories of work for rough inspections may be completed before the notice for inspection is provided. The applicant may request one rough inspection or individual rough inspections.

[1] General construction, including framing.

[2] Rough electrical.

[3] Rough plumbing.

[4] Rough heating, ventilating and air conditioning.

[5] Basement drain tiles.

(c) Insulation inspection. An inspection shall be made of the insulation and vapor retarder after they are installed but before they are concealed.

(d) Final inspection. The dwelling may not be occupied until a final inspection has been made which finds that no violations of the Code exist that could reasonably be expected to affect the health and safety of the occupant.

(e) Erosion control inspection. Erosion control inspections shall be performed concurrently with all other required construction inspections. Additional inspections for erosion control may be performed.

(3) Notice of compliance and noncompliance.

(a) General. Notice of compliance or noncompliance with the Code shall be written on the building permit and posted at the job site. Upon finding of noncompliance, the Building Inspector shall also notify the applicant of record and the owner, in writing, of the violations to be corrected. Except as specified in Subsection F(3)(b), the Building Inspector shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under § SPS 320.21.

(b) Soil erosion control requirements.

[1] The Building Inspector shall order all cited violations of erosion control requirements under § SPS 321.125(1)(a) through (d) corrected within 72 hours after notification and may issue a special order directing an immediate cessation of work for failure to comply with the corrective order. Work may continue when the conditions of the cessation order have been met. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

[2] If written notification is delivered in person, the seventy-two-hour compliance period shall begin at the time of delivery. If faxed or sent through the mail, the compliance period shall begin at the time the notification was received by the applicant of record.

[3] If verbal notification, in person or by telephone, is given prior to delivery of written notification, the seventy-two-hour notification shall begin at the time of verbal notification. The written notification shall then be delivered, in person or via mail or fax, to the applicant of record at their business address and shall include the date and time of verbal notification.

G. Voluntary inspections. The Building Inspector may, at the request of the owner or the lawful occupant, enter and inspect dwellings, subject, to the provisions of the Code, to ascertain compliance with the Code.

H. Electrical service connection/reconnection inspections. Any original connection to electric service and any reconnection of electrical service involving the main disconnect, meter pedestal or weatherhead shall require an inspection by the Building Inspector. Any connection of electric service for a mobile home shall require an inspection by the Building Inspector.

#### § 89-5. Building permits.

- A. Building permit required. No person shall alter, ~~in excess of \$1,000 value in any twelve-month period~~, build, add onto or alter any building within the scope of this article without first obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that require extensions shall require permits.
- B. Grade elevations for certain parcels. As a condition and requirement for a building permit for any lot or parcel 100 feet or less in width and/or less than 1/2 acre in size, the Building Inspector shall require the applicant to submit two copies of a grading plan and final

proposed maximum grade elevation, to scale, for a dwelling and any accessory building over 400 square feet in area.

- (1) In reviewing a grading plan the Building Inspector shall be guided by the average of the grade elevations on either side on adjacent lots and, in addition, such factors as topography, driveway access, public road elevations and existing and proposed drainage improvements.
  - (2) Upon approval of any grading plan and final proposed maximum grade elevation, the Building Inspector shall sign and date each copy and return one copy to the applicant. Any conditions of approval shall be stated on the plans.
- C. Exemptions. Restoration or repair of an installation to its previous Code-compliant condition as determined by the Building Inspector is exempt from building permit requirements. Residing, re-roofing and finishing of interior surfaces shall be exempted from permit requirements.
- D. Submission of plans. The applicant shall submit two copies of plans at the time the building permit application is filed.
- E. Lapse of building permit. The building permit shall expire two years after issuance if the dwelling's exterior has not been completed.
- F. Permit fees. Building permit fees shall be determined by resolution of the Town Board and shall be paid at the time the building permit is issued.
- G. Bond required

(1) Amount of bond. At the time of application for a building permit involving the modification or remodeling of an existing building or structure, or the construction of any new building or structure, where the total cost of the modification, remodeling or construction is anticipated to exceed \$50,000, the applicant shall deposit a cash bond with the Town Clerk in the amount of \$1,000.

(2) Use of bond proceeds. The bond proceeds shall be held by the Town Clerk until such time as an occupancy permit has been issued, at which time the bond proceeds, or the portion thereof remaining on deposit with the Town Clerk, shall be returned to the applicant. It is the sole responsibility of the applicant to repair any damage caused to the road, right-of-way, culverts, or drainage ditches adjacent to the property of the applicant where such damage occurs incident to construction or remodeling activities contemplated by issuance of the building permit. Additionally, it is the sole responsibility of the applicant to clean up and restore such roads, rights-of-way, culverts, or drainage ditches to their original condition prior to the construction or remodeling activities. In the event any town road or right-of-way, or any culvert or drainage ditch adjacent to the applicant's property, is damaged, left in an untidy or messy condition, or not otherwise restored to its original condition incident to the modification, remodeling or construction of any building or structure, the Town Clerk shall use the bond proceeds to the extent sufficient, to indemnify the town with respect to any repair and cleanup costs incurred by the town. In addition, the Town Clerk shall use the bond proceeds, to the extent sufficient, to pay any additional inspection fees incurred by the town as to any inspections undertaken at the direction of the Building Inspector which are in excess of those contemplated in the fee charged for issuance of the building permit. The Town Clerk shall notify the property owner promptly in writing of any funds to be retained by the town for such damages, and the applicant may

thereafter, within thirty (30) days, apply to the Town Board for the review of any such charges. The decision of the Town Board shall be final.

(3) Forfeiture. In the event any person for whom a building permit has been issued occupies a building before the final inspection of the building has occurred and before an occupancy permit has been issued as provided under the terms of this code, or fails to complete exterior construction and landscaping within two years of issuance of a building permit, the cash bond on deposit with the Town Clerk shall be deemed forfeited. Notice of such forfeiture shall be promptly sent to the applicant. The Town Clerk shall notify the property owner promptly in writing of the forfeiture of the cash bond. The applicant may thereafter, within thirty (30) days, apply to the Town Board for the review of any such charges. The decision of the Town Board shall be final. Forfeiture of the cash bond will not affect the ability of the town to issue citations or pursue injunctive relief for any violations as provided in this Code.

(4) Release of bond. At such time as the final inspection of the building or structure has occurred, and an occupancy permit has been issued for the building or structure, the Building Inspector shall notify the Town Clerk who shall remit the applicant to proceeds of the cash bond remaining on deposit with the Town Clerk.

~~F.~~

~~G.~~ H. Suspension or revocation. The Town may suspend or revoke any building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the Building Inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.

#### **§ 89-6. Preliminary construction permit.**

A. Purpose. A preliminary construction permit authorizes the construction of footings and basements for one- and two-family dwellings prior to final plan approval by the Building Inspector.

B. Preliminary construction permit requirements.

- (1) Submission of building plans to the Building Inspector.
- (2) Payment of a preliminary construction fee permit as established by the Town Board.
- (3) Owner execution of a Preliminary Construction Permit Waiver, Release and Acknowledgment Form approved by the Town Board that shall indemnify and hold the Town harmless from and against any and all liability, claims, losses or damages of any kind or nature that may result from the construction of any improvement to the property prior to final approval of building plans by the Building Inspector.

#### **§ 89-7. Violations and penalties; appeals.**



- A. Violations. No person shall construct or alter any building in violation of any of the provisions of this article or the Code.
- B. Injunctive relief. When violations occur, the Town Board may bring legal action to enjoin any violations.
- C. Penalties. Any person who violates this article shall, upon conviction, be subject to the forfeiture amount in the Fine and Forfeiture Schedule of the Town of Wescott that shall be as set from time to time by resolution by the Town of Wescott. Each violation and each day a violation continues or occurs shall constitute a separate offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Appeals. Appeals of any order or determination made under this article, including denials of building permit applications, shall be made in accordance with the procedures set forth in Ch. 68, Wisconsin Statutes. Appeal of any final determination made by the Town shall be made to the Wisconsin Department of Safety and Professional Services after the procedures of Ch. 68 have been exhausted. All appeals to the Department shall be in writing stating the reason for the appeal. All appeals shall be filed with the Department within 10 business days of the date the final determination is rendered by the Town under Ch. 68.