

## **CHAPTER 13**

### **BUILDING CODE AND PERMITTING**

#### **13.01 PURPOSE**

The purpose of this chapter is to exercise jurisdiction over the construction and inspection of all new and existing structures defined in the Village of Stockbridge, Chapter 24, Zoning Ordinance, and any amendments thereto.

#### **13.02 ADOPTION OF STATE STANDARDS**

The following Chapters of the Wisconsin Administrative Code, Ch. SPS 305, Ch. SPS 316, Chs. SPS 320 to 325, Ch. SPS 327, Chs. SPS 361-366, Chs. SPS 381-387, as well as all subsequent revisions, are adopted by the Village of Stockbridge and shall be enforced by the Building Inspector.

#### **13.03 BUILDING INSPECTOR APPOINTMENT AND GENERAL POWERS**

There is a hereby created position of Building Inspector, who shall have the power and duty to enforce the construction and building inspection provisions of this ordinance and all other ordinances, laws and orders of the State of Wisconsin and the Village of Stockbridge, which relate to building construction, plumbing, HVAC, and electrical installations, who shall be certified by the Department of Safety and Professional Services as specified by 101.66(2) Wisconsin Statutes. This appointment and powers of the building inspector are provided in Section 24.501(F), Chapter 24, Zoning Code.

#### **13.04 BUILDING PERMITS**

- A. No building or structure or any part thereof shall be erected, enlarged, altered, repaired, demolished or moved within the Village until a building permit has been applied for in writing, all fees paid, and approved by the Village Code Administrator. If the project is not completed within that one-year term, an extension can be requested. The fee for the extension shall be one-half of the cost of the original permit. The issuance of the building permit provided shall require that landscaping on a newly constructed single family or multi-family residence be completed within the time frame of the building permit and shall be subject to the same provision for the request for extension and payment of an additional fee. Per SPS 320.09(9), a NSFD permit shall expire 24 months after issuance if the dwelling exterior has not been completed.
- B. Any existing ordinances pertaining to the construction of new dwellings that conflict with the Uniform Dwelling Code are hereby repealed.

#### **13.05 BUILDING PERMIT REQUIRED**

- A. General. No building, plumbing, HVAC, or electrical work shall be performed by any party or be permitted to be performed on a property of any party in the Village unless a permit is obtained. Failure to obtain a building permit before commencing with work will result in double the permit fees.

- B. Residential, *required*. Building permits are required for work exceeding \$1,000.00 in value for building, repair, additions or structural alterations including accessory buildings, decks, and fences. Building permits are also required regardless of the cost of the project if any of these are affected:
1. Occupancy area. Kitchen, bath, bedroom, family room.
  2. Structural strength. Headers on bearing walls.
  3. Fire protection. Attached garages, firewalls.
  4. Exits (exiting) Including porches, decks.
  5. Electrical, including new electric service, additions, or removal of electrical wiring or junction.
  6. Heating, ventilation, air conditioning.
  7. Plumbing. Removal or changing of water supply lines, drains lines, vents, gas lines, or water softeners.
  8. Zoning (setbacks, lot coverage or height). This includes signs, fences, pools.
- C. Residential; *not required*:
1. Carpeting, flooring (unless structural floor is replaced), wallpaper, painting.
  2. The replacement of plumbing fixtures (including, but not limited to, toilet, sink, faucet, garbage disposal, water heater as long as it does not involve the moving of water supply lines, or drain vent piping, and is not part of a remodeling project that requires a building permit in this article.
  3. The replacement of outlets, switches, light fixtures as long as it does not involve the addition or extension of electrical circuits.
- D. Industrial, Commercial or Businesses; *required*. Building Permits are required for work exceeding \$1,000.00 in value for building, repair, additions, structural alterations, change of use, change of occupancy or change from another use or occupancy to hazardous use or occupancy.
1. Any project requiring architectural drawings, plan submittal, or a registered project with the state will require a building permit.
  2. Electrical, heating, ventilation, air conditioning, or plumbing work involving installing a new electric service, the addition or removal of electrical wiring or junction boxes, removal or changing of water supply lines, drains, vents, or gas lines.

- E. Industrial, Commercial or Businesses; *not required*. Building permits are not required for plumbing or electrical work involved with the installation, moving, or relocation of fixtures, machinery, equipment, refrigeration equipment and similar items in agricultural, commercial, or industrial enterprises that is not an addition to the plumbing, electrical, or HVAC facilities and does not improve the building, plumbing, electrical or HVAC.
- F. Commercial Electrical Permits: *required*. Building permits are required for electrical wiring installation at farms, public buildings, places of employment, campgrounds, public marinas, piers, or docks in accordance with the Ch. SPS 316.012(1).
- G. Determining value of project, in all zoning districts, the value of the job, if not provided, will be determined by a minimum of the cost of materials doubled.

### **13.06 BUILDING PERMIT FEE**

- A. STANDARD FEE. The permit fee(s) shall be determined as listed in the currently adopted Addendum A – to the Village of Stockbridge Code of Ordinances - Fees and Penalties Schedule.
- B. ADDITIONAL INSPECTION FEE. Any additional inspection trips required, which are required due to non-compliance or uncoordinated work, will be charged to the owner at an additional fee of as prescribed in Addendum A – to the Village of Stockbridge Code of Ordinances - Fees and Penalties Schedule. Such fee(s) shall be deducted from the completion bond held in escrow at the time of final inspection and issuance of any occupancy permit or charged directly from the Village of Stockbridge or Building Inspector.
- C. FAILURE TO REMIT FEES. No occupancy permit shall be granted unless all fees have been paid to the Clerk-Treasurer.
- D. The issued building permits shall be posted in a conspicuous place at the building site prior to work commencing.

### **13.07 OCCUPANCY PERMIT**

If no violations of the Village ordinance(s) are found, the Building Inspector, on final inspection, shall issue a CERTIFICATE OF OCCUPANCY. No dwelling shall be occupied until such certificate is issued except with the written consent of the Building Inspector.

### **13.08 COMPLETION BOND**

Prior to the issuance of a New Construction building permit, the owner shall deliver to the Clerk-Treasurer a \$1,000.00 completion bond payment to be held in escrow by the Village until the project is complete. Once the final inspection has been made and the Certificate of Occupancy has been issued, the Clerk-Treasurer shall return the balance in escrow to the owner upon receipt of written verification from the Building Inspector that the Certificate of Occupancy has been issued. The Clerk-Treasurer shall deduct from the escrow amount prior to said return, any charges outstanding for additional inspections. Should the escrow amount be insufficient to cover the

additional inspection fees, the balance delinquent shall be entered on the next annual tax roll as a special charge against the property and such sum shall be levied and collected as other special charges against real estate.

### **13.09 TEMPORARY STRUCTURES**

- A. No temporary structure as defined in Sec. 24.202 of the Village Zoning Ordinance, including but not limited to, a tent, recreational vehicle, shack, non-permanent structure, storage units, shipping container, or other similar enclosures, and no garage, barn shall be used temporarily or permanently as a residence.
- B. All uses of property for temporary shelter in the Village of Stockbridge shall be conditional uses in the designated zoning areas, as provided in Chapter 24 of the Village Zoning Ordinance.

### **13.10 CONSTRUCTION STANDARDS**

The Wisconsin State Building Code or Uniform Dwelling Code as well as all state codes regulating plumbing or electrical construction are hereby adopted and incorporated herein by reference and shall apply to all construction within the Village of Stockbridge. In addition to these the following standards shall apply to all One and Two-Family Dwellings, whether manufactured or site-built:

- A. All such dwellings shall be built upon foundations or basements which meet or exceed the Wisconsin State Uniform Dwelling Code requirements.
- B. Roofs shall be constructed to include overhangs of at least 12" on the eaves and gable sides of the structure, exclusive to the gutters.
- C. Roofs shall be covered with materials made of asphalt, fiberglass, slate, tile, concrete, wood or other materials approved by the Village Building Inspector.
- D. Minimum living area of the structure shall be established by the standards set by Chapter 24 of the Village Zoning Ordinance, applicable for the specified zoning area.
- E. The roof over the core living area shall have a minimum pitch of 4 (rise) to 12 (run).

### **13.11 PROHIBITION AGAINST QUONSET CONSTRUCTION**

As used herein, "Quonset construction" means any construction of a long, arched, metal shelter. Except as provided herein, no accessory structure of the Quonset construction type shall be permitted in any zoning district. The Quonset construction type located on an operating agricultural facility and essential to the agricultural operation shall be a permitted use in the Agricultural District as provided in Chapter 24 of the Village Zoning Ordinance.

### **13.12 SUMP PUMP INSTALLATION**

All buildings connected to the Village sewer system shall have a sump pump installed thereon as required in Chs. SPS 381-384 and Section 24.305(c), Chapter 24, Zoning Ordinance. No clear and/or surface waters shall be permitted to run into the sanitary sewer lines. Whenever possible, drainage from the sump shall be directed to the back of the property and not to the street. Whenever sump drainage is directed to the street, it shall be done in such a fashion that it drains directly into a storm sewer and does not enter upon the sidewalk.

### **13.13 PERMIT APPLICATIONS**

- A. Regardless of costs of construction, an applicant for a Land Use/Building Permit pursuant to Sec. 24.501 (G), Village Zoning Ordinance shall submit a building plan and specifications in writing to the Village Code Administrator as part of the Permit application. No construction or repair work shall be commenced prior to the issuance of the required Land Use – General Development Application / Certificate of Zoning or building permit outlined in section 13.06 of this ordinance.
- B. No building permit shall be issued for construction on a lot in the Village of Stockbridge if the lot does not have public access by a constructed street formally accepted by the Village of Stockbridge as a Village right-of-way and which meets the construction standards of the Village as set forth in Chapter 21, Village Ordinance, Establishing Standards for the Approval and Acceptance of Plats, Certified Surveys and Roads.

### **13.14 SANITARY SEWER & MUNICIPAL WATER CONNECTION**

All dwellings placed within the service area of either the municipal water or sewer shall connect and be served by such. No new wells or private sanitary systems shall be established within such areas. The regulations and cost of such connection to the municipal sanitary system is governed by Chapter 23 or any amendments thereto. The regulations and cost of such connection to the municipal water system is governed by Chapter 27 or any amendments thereto. All connection charges shall be paid prior to the issuance of a building permit for new construction.

### **13.15 BUILDING GRADES**

The grades of all buildings constructed after the passage of this ordinance shall be as follows: the grade at the horizontal center of the structure shall be fifteen inches above the grade at the center of the street upon which the structure fronts, and shall be in accordance with the Village grade lines as set by the Village Building Inspector or designated engineer. Exceptions shall be considered and approved by the Village Building Inspector.

### **13.16 BUILDING IDENTIFICATION NUMBERING**

Each residence, place of business, and other primary building structure within the Village of Stockbridge shall be required to have a building identification number, per Village Ordinance Chapter 14, Street Names, Numbers and Address Signs. The initial building identification numbers are provided by the Village of Stockbridge.

### **13.17 COMMERCIAL STRUCTURES**

No new commercial building or existing structure shall be erected, enlarged, altered, repaired or moved within the Village until a commercial building permit has been applied for in writing, all fees paid, and approved by the Village Code Administrator. Applications shall be in accordance with Section 24.410, 24.411, and 24.412, Chapter 24, Zoning Code. The permit fee(s) shall be determined as listed in the currently adopted Addendum A – to the Village of Stockbridge Code of Ordinances - Fees and Penalties Schedule.

All plans and specifications for commercial building construction, alterations, and repairs shall be submitted to the Village after such plans have been submitted for State approval, and prior to commencement of construction. Chapter SPS 361-366 of the Wisconsin Administrative Code, as well as all subsequent revisions are adopted by the Village and shall be enforced by the Building Inspector

### **13.18 INSPECTION AND ENFORCEMENT OF BUILDING CODE**

In the event any person violates this Chapter 13, Building Code, the Village of Stockbridge Building Inspector shall have the right to make periodic inspections of the property subject to the violation. The building inspector shall take reasonable steps to notify the property owner or person in charge of the property of the date and time of inspection and that the property owner or person in charge of the property will be permitted to be present during the inspection. The failure to provide this notice does not affect the authority for inspections. No other notice is required. No person shall interfere with or refuse to permit access to the property by the Inspector while in the performance of his/her duties. In event the Inspector is refused access to the property, the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Wis. Stat.

### **13.19 DEFINITIONS**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a differently meaning.

**ADDITION** - means new construction performed on dwelling which increased the outside dimensions of a dwelling.

**ALTERATION** – means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

**BUILDING** – means a structure and any enlargement, alteration, movement or demolishing thereof.

**DEPARTMENT** - the Wisconsin State Department of Safety and Professional Services (SPS).

**DWELLING** – any enclosed space which is wholly or partly used or intended to be used for housing or sleeping by human occupants.

**ELECTRICAL** – means construction, repair, installation or alteration of electrical wiring system.

**MINOR REPAIR** – is repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling, which does not affect room arrangement, light and ventilation, access or efficiency of an exits or exit stairways, fire protection, or exterior aesthetic appearance (landscaping), which does not increase size or use.

**NSFD** – is a New Single-Family Dwelling.

**ONE- OR TWO-FAMILY DWELLING** – is a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household.

**PLUMBING** – means construction, repair, installation or alteration of plumbing, drainage, and plumbing ventilation.

**UNIFORM DWELLING CODE (UDC)** – is the administrative code provisions and any future amendments, revisions or modifications thereto, contained in the provisions of the uniform dwelling code, Wis. Admin. Code Chs. SPS 320 through 325.

### **13.20 ENFORCEMENT AND PENALTIES**

Any person who violates any provision of this Chapter 13, Building Code, shall be served by the approving authority with a written notice stating the nature of the violation and providing a reasonable time for satisfactory correction thereof. The approving authority may issue a Cease Order per SPS 320.11 AND SPS 320.10(4) to be served on the person in violation. Such Cease Order shall require the person to permanently cease all violations of this ordinance, to comply with the ordinance, and to pay all expenses involved in compliance and enforcement of the same.

- A. All penalties for violators of this ordinance shall be prescribed in Addendum A – to the Village of Stockbridge Code of Ordinances - Fees and Penalties Schedule.
- B. The fee for a building permit for any person who has already commenced construction before obtaining a permit shall be doubled.
- C. The penalties for violations together with the costs of prosecution shall be paid by the violator. In the event the violator fails to pay such penalties and costs, the Village may pursue any remedy for the collection thereof to the extent allowed by law.
- D. Each day the violation continues constitutes a separate offense.
- E. Violations discovered by the Building Inspector shall be corrected within no more than 30 days after written notice is given.
- F. Compliance with the requirements of this ordinance is necessary to promote the public safety, health, and welfare of the community and the owners, occupants, and frequenters of buildings. The violation of this ordinance shall constitute a public nuisance, subject to all the equitable and legal remedies of the Village of Stockbridge, including, but not limited to, injunction.

This Ordinance shall be effective upon adoption and publication according to law.