

Chapter 14 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Fire prevention and protection, ch. 34; floods, ch. 38; health and welfare, ch. 42; mobile homes, ch. 54; planning, ch. 66; solid waste, ch. 78; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; telecommunications, ch. 92; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

State law references: One and two family building code generally, Wis. Stats. § 101.60 et seq.; inspection warrants generally, Wis. Stats. § 66.122; enforcement of building codes generally, Wis. Stats. § 62.17.

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ARTICLE I. IN GENERAL

Sec. 14-1. Scope.

- (a) *New buildings.* New buildings or structures erected after the effective date of the ordinance from which this section is derived in the city shall conform to all requirements of this chapter; and all requirements in this chapter, unless specifically provided, shall apply to new buildings.
- (b) *Existing buildings.* The requirements of this chapter shall apply to existing buildings that do not conform to the requirements of this chapter for new buildings.

(Code 1983, § 14.01(4))

Sec. 14-2. 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 different meaning:

Building inspector means the building inspector or his authorized representatives. The building inspector shall perform all inspection functions, including plumbing and electrical.

(Code 1983, § 14.03(2))

Cross references: Definitions generally, § 1-2.

Sec. 14-3. Nonliability of city.

The city, by enactment of this chapter, does not assume any liability on the part of the city for damages to anyone injured or for the property destroyed by any defect in any building or equipment, or in any gas appliance or installation, or in any plumbing or electric wiring or equipment, or by reason of any inspections made or permits issued.

(Code 1983, § 14.52)

Secs. 14-4--14-35. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

*Cross references: Administration, ch. 2.

DIVISION 1. GENERALLY

Sec. 14-36. Notice of violation; correction.

The procedures for enforcement of this chapter, except as otherwise provided, shall be set out in section 19.03 of the housing code. The building inspector shall have the powers and duties under the housing code.

(Code 1983, § 14.51)

Sec. 14-37. Penalty.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-17. 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.

(Code 1983, § 14.50)

Sec. 14-38. Appeals.

- (a) *Who may appeal.* Any person aggrieved and directly affected by a decision of the building inspector may appeal from such decision to the board of appeals.
- (b) *Meeting of board.* The board shall meet upon notice of the chairman within ten days of the filing of an appeal.
- (c) *Hearing.* All hearings shall be public; and the appellant, his representative, the building inspector and any other person whose interests may be directly affected by the matter on appeal shall be given an opportunity to be heard.
- (d) *Decision.* The board may affirm, modify or reverse the decision of the building inspector by a majority vote. Failure to secure a majority vote shall be deemed a confirmation of the decision of the building inspector, except the appellant shall be entitled to further hearing before a full board if all were not present when the vote was taken.
- (e) *Building inspector to implement.* The building inspector shall take immediate action in accordance with the decision of the board.

(Code 1983, § 14.05(11))

Secs. 14-39--14-55. Reserved.

DIVISION 2. BUILDING INSPECTIONS AND DEPARTMENT

Subdivision I. In General

Secs. 14-56--14-70. Reserved.

Subdivision II. Department of Building Inspection*

***Cross references:** Officers and employees, § 2-146 et seq.

Sec. 14-71. Supervisor.

- (a) The department of building inspection shall be under the supervision of the building inspector. The building inspector may employ qualified persons who shall bear the title of assistant building inspectors. The assistant building inspectors shall perform such inspection work as the building inspector may direct and shall perform such other duties as the building inspector may assign to them from time to time.
- (b) The offices of city plumbing, electrical and building inspector may be combined; and one person may be appointed to perform the duties of each of such offices.

(Code 1983, §§ 1.03(2)(i), 14.02(1))

Sec. 14-72. Records.

There shall be kept in the department of building inspection a record of all applications for building permits in a book for such purpose, and each permit shall be regularly numbered in the order of its issue. A record shall also be kept showing the number, description and size of all buildings erected, indicating the kind of materials used and the cost of each building and the aggregate cost of all buildings of the various classes. A record shall also be kept of all inspections made, and of all removal and condemnation of buildings, and a record of all fees collected, showing the date of their receipt and delivery to the city clerk/treasurer. The inspector shall report monthly to the city council and make an annual report to the council of these matters.

(Code 1983, § 14.02(2))

Secs. 14-73--14-85. Reserved.

Subdivision III. Inspection

Sec. 14-86. Supervision.

Building inspection shall be performed under the supervision of the building inspector. The building inspector shall have, except where otherwise provided in this chapter, the general management and control of all matters pertaining to building inspection and shall enforce all

state laws and city ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment. The inspector shall pass upon any question arising under this chapter relating to buildings, subject to conditions contained in this chapter.

(Code 1983, § 14.03(3))

Sec. 14-87. Access to premises.

The building inspector and his subordinates may at all reasonable times, for any proper purpose, enter upon any public or private premises and make inspection of such premises and require the production of the permit for any building, electrical or plumbing work or the required license.

(Code 1983, § 14.03(4))

Sec. 14-88. Interference with inspectors.

Any person interfering with building inspectors while in the performance of their duties shall, upon conviction thereof, be subject to a penalty as provided in section 1-17.

(Code 1983, § 14.03(5))

Sec. 14-89. Duty of police.

All police officers shall report at once to the building inspector any building within the city that is being carried on without a building permit as required by this chapter.

(Code 1983, § 14.06(1))

Sec. 14-90. Notification for inspections.

The building inspection department shall be notified when inspections are to be made. Such inspections shall be made within two business days after notification, excluding Saturdays, Sundays and legal holidays.

(Code 1983, § 14.06(2)(d))

Sec. 14-91. Schedule of inspections.

The building inspector, upon notification from the permit holder or his agent, may make or cause to be made the following inspections of buildings and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent if either fails to comply with the law:

- (1) *Preliminary inspection.* Before issuing a permit, the building inspector shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use of the building, structure or site. He shall conduct such inspections from time to time during and upon completion of the

work for which he has issued a permit. He shall maintain a record of all such examinations and inspections and of all violations of the building code.

- (2) *Foundation inspection.* A foundation inspection shall be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (ready-mix) is to be used, material need not be on the job. No backfilling is allowed before an inspection is made of all footings, foundations or drain tile.
- (3) *Frame inspection.* A frame inspection shall be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete. No lath or plaster base of any kind or any insulation between the studs shall be applied to any building until the frame inspection, electrical inspection, plumbing and heating inspection have been made and the work approved.
- (4) *Final inspection.* Upon completion of the work for which building the permit is issued and before issuance of a certificate of use and occupancy, a final inspection shall be made and all violations of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies. Upon approval, the building inspection department shall post a certificate of inspection on the job. After such certificate has been posted, no structural part of the building shall be changed.
- (5) *Other inspections.* In addition to such inspections required by this section, the building inspector may make or require any other inspections of any construction work to ascertain compliance with the provisions of this chapter and other laws that are enforced by the building inspection department.

(Code 1983, § 14.06(2)(a)--(c), (e), (f))

Sec. 14-92. Certificate of use and occupancy.

The building inspector, if his final inspection finds no violations, shall issue a certificate of occupancy. In the certificate of occupancy he shall state the purpose for which the building is to be used. No building or part thereof shall be occupied until such certificate has been issued except with the written consent of the building inspector, nor shall any building be occupied in any manner that conflicts with the conditions set forth in the certificate of occupancy.

(Code 1983, § 14.06(2)(g))

Secs. 14-93--14-110. Reserved.

DIVISION 3. PERMITS AND PLANS

Sec. 14-111. Definitions.

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

different meaning:

Building includes any building or structure and any enlargement, alteration or demolishing of any building or structure.

(Code 1983, § 14.05(1))

Cross references: Definitions generally, § 1-2.

Sec. 14-112. Permits required.

- (a) *Scope.* No building, structure, billboard or sign or any part thereof shall be built, altered or demolished within the city except as provided in this division unless a permit shall first be obtained by the owner or his agent from the building inspector.
- (b) *Minor repairs or alterations.* No building permit shall be required for any minor repairs or alterations that do not change the occupancy, area, structural strength, fire protection, exits, lights or ventilation of the building and cost less than \$300.00.

(Code 1983, § 14.05(1))

Sec. 14-113. Application.

Application for a building permit shall be made in writing upon a blank form furnished by the building inspector and shall:

- (1) State the name and address of the owner of the building and the owner of the land upon which it is to be erected;
- (2) Describe the location of the building and the purpose for which it is to be used; and
- (3) Contain such other information as the building inspector may require.

(Code 1983, § 14.05(2))

Sec. 14-114. Situation plan.

- (a) With the application for a building permit, there shall be submitted to the building inspector a complete set of plans and specifications, including a situation plan, showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with the state building code shall bear a stamp of approval from the department of commerce.
- (b) Prior to submission of an application for a building permit, each lot or site on which the proposed building is to be erected shall be properly surveyed and staked by a certified surveyor.

(Code 1983, § 14.05(3))

Sec. 14-115. Minimum, maximum grade.

All residential buildings shall be set at a grade providing at least a 12-inch pitch from

the grade line of the building to the front lot line. No residential building erected shall be set at a grade that will provide more than 60-inch pitch from the grade line of the building to the front lot line. Denial of a permit for noncompliance with the grade dimensions may be appealed to the board of appeals, which may grant relief from hardship by reason of terrain and other unusual circumstances.

(Code 1983, § 14.05(4))

Sec. 14-116. Water, sewer, roadway requirements.

- (a) *Permit.* No permit will be issued for the erection of a building upon a lot within the city until a final plat is recorded and for which no city water nor city sanitary sewer installations have been made; nor will such permit be issued unless the lot abuts upon a passable graded roadway that will allow proper and ready access for fire, police and other municipal services and equipment.
- (b) *Waiver of roadway requirement.* The passable graded roadway requirement in subsection (a) may be waived by the building inspector where the following conditions are met:
 - (1) The applicant has filed with the building inspector suitable proof that the passable graded roadway has been contracted for and will be completed in advance of the completion of residences or their occupancy.
 - (2) The council has determined that such proof is satisfactory and has authorized waiver of the roadway requirement by resolution.
- (c) *Storm sewers.* No permit will be issued for the erection of a building upon a lot within the city that lies in a natural drainage area where no storm sewer is available. The storm sewer requirement may be waived by the building inspector where the applicant makes provision for a ditch, culvert or other satisfactory means that will operate to drain off the stormwater accumulations amounting to a hazard to the public health, safety or welfare.

(Code 1983, § 14.05(5))

Sec. 14-117. Issuance of permits.

- (a) *Approval of plans, alteration.* If the building inspector finds that a proposed building will comply with all ordinances of the city and all laws and administrative rules of the state, he shall officially approve and stamp one set of the plans and return the other set, and shall issue a building permit, which shall be kept at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or rules or that involves the safety of the building, except with the written consent of the building inspector.
- (b) *Inadequate plans.* If inadequate plans are presented, the building inspector may, in his discretion, issue a permit for a part of the building before receiving the plans and specifications for the entire building. No person shall commence work on any building or alteration before the building permit has been issued.

- (c) *Correction of errors.* The issuance of a permit upon plans and specifications shall not prevent the building inspector from thereafter requiring the correction of errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of the state building code, this chapter or of any ordinance of the city.
- (d) *Permit in violation invalid.* No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or use which is authorized is lawful.

(Code 1983, § 14.05(7))

Sec. 14-118. Waiver of plans.

If in the opinion of the building inspector the work is sufficiently described in the application for a building permit, he may waive the filing of plans.

(Code 1983, § 14.05(6))

Sec. 14-119. Posting permit card.

With every building permit issued, the building inspector shall issue to the applicant a city card properly filled out. Such applicant shall place such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from the public view and not more than 15 feet above grade.

(Code 1983, § 14.05(8))

Sec. 14-120. Expiration.

Every permit issued by the building inspector under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 60 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned for 120 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained to do so; and the fee thereafter shall be half the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided such suspension or abandonment has not exceeded one year.

(Code 1983, § 14.05(9))

Sec. 14-121. Revocation of permit.

If the building inspector finds at any time that the ordinances, laws, rules, plans and specifications referred to in this chapter are not being complied with, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, no further work shall be done upon such building until a new permit is issued, excepting such work as the building inspector shall order to be done as a condition precedent to the issuance of a new permit.

(Code 1983, § 14.05(10))

Sec. 14-122. Plans to be submitted to department of commerce.

Plans for the following types of buildings shall be submitted to the department of commerce before a building permit shall be issued as specified in the state building, heating, ventilation and air conditioning code:

- (1) Any building the building inspector, in the public interest, may deem necessary for the approval of the building inspection department.
- (2) Any building for which such filing is required by state law or administrative rule.

(Code 1983, § 14.05(12))

Sec. 14-123. Fees for permits.

Before receiving various permits, the owner or his agent shall pay to the city clerk/treasurer the following amounts:

- (1) Minimum fee for all permits, \$20.00
- (2) Residence--One- and two-family, accessory buildings and garages, \$6.50 per 100 square feet or fraction.
- (3) Residences--Apartments, three-family or over, row housing, multiple-family dwellings, institutional, \$6.50 per 100 square feet or fraction.
- (4) Residences--Additions, \$6.50 per 100 square feet or fraction.
- (5) Local business, office buildings or additions thereto, \$6.50 per 100 square feet or fraction.
- (6) Manufacturing or industrial, office areas to be included under subsection (5) of this section, \$5.00 per 100 square feet or fraction.
- (7) Permit to start construction of footings and foundations, \$75.00 multifamily and industrial/commercial.
- (8) Agricultural buildings, \$3.00 per 100 square feet.
- (9) All other buildings, structures, alterations, repairs where square footage cannot be calculated, \$6.50 per \$1,000.00 valuation.
- (10) Heating and incinerator units, \$30.00 per unit, up to and including 150,000 input Btu units; additional fee of \$10.00 for each additional 50,000 Btu or fraction thereof.
- (11) Commercial/industrial exhaust hoods and exhaust systems, \$50.00 per unit.
- (12) Heating and air conditioning distribution systems, \$1.00 per 100 square feet of conditioned area.
- (13) Air conditioning, \$30.00 per unit up to three tons or 36,000 Btu's; additional fee of \$5.00 for each additional ton or 12,000 Btu's or fraction thereof.

- (14) Wrecking or razing (building inspector may waive fee if structure is condemned), \$25.00.
- (15) Moving buildings over public ways, \$25.00.
- (16) Fuel tanks, no city permit is required; must meet all DNR and EPA requirements.
- (17) Site inspection and occupancy, \$30.00.
- (18) Wisconsin Uniform Building Permit Seal, charged at current state rate.
- (19) Pools--In-ground/aboveground/spas, \$25.00.
- (20) Decks (uncovered), residing, reroofing, \$20.00.
- (21) Fees shall be doubled upon failure to obtain a permit before work on a building has been started, except in emergency cases.
- (22) Electrical fees.
 - a. New or changed service:
 - 1. 100 and 200 amp, \$30.00.
 - 2. 400 amp, \$35.00.
 - 3. 600 amp, \$45.00.
 - b. Plus, each circuit, \$2.00.
- (23) Plumbing fees:
 - a. Sanitary, storm or water laterals, each, \$10.00.
 - b. Plumbing permits, base fee, \$20.00.
Plus, per fixture opening, \$2.50.

Note: Square footage shall be defined as follows: The actual area in square feet enclosed by the exterior perimeter of the building walls or columns on each separate floor level.

(Ord. No. 99-03, § 1(14.05(13)), 5-10-1999)

Sec. 14-124. State building code.

The provisions of the building code contained in this chapter shall include any and all state laws and administrative regulations of the state department of commerce pertaining to construction and use of buildings, except as the same may be modified in this chapter, including:

- (1) Building, heating, ventilation and air conditioning.
- (2) Existing buildings.
- (3) Uniform dwelling code.
- (4) Building, heating, ventilation and air conditioning code.

- (5) Energy conservation code.
- (6) Existing buildings code.
- (7) Historic buildings code.
- (8) Uniform plumbing code.

(Code 1983, § 14.01(3))

Sec. 14-125. Fuel gas code.

Installations of appliances, equipment, accessories and piping that complies with the standards recommended by the American Standards Association in its manual entitled National Fuel Gas Code, Z223.1-1980, or subsequent revisions thereof, shall be considered prima facie as conforming to the reasonable standards of safety.

(Code 1983, § 14.48(2))

Secs. 14-126--14-140. Reserved.

ARTICLE III. ONE- AND TWO-FAMILY BUILDING CODE

Sec. 14-141. Purpose.

The purpose of this division is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings, structures, signs and billboards erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulate the equipment, maintenance, use and occupancy of all buildings or structures.

(Code 1983, § 14.01(2))

Sec. 14-142. Garage provisions.

- (a) *Unattached garages and accessory buildings.* Unattached garages, etc., shall be less than 960 square feet and may be constructed on either concrete slabs or foundation walls or piers. Construction requirements for unattached garages and accessory buildings shall be the same as requirements for other buildings.
- (b) *Attached garages.* Attached garages, carports, shelters, etc., that are connected to a residence shall have footings and foundations to the established frostline. Attached garages with exterior siding shall be framed to meet all general requirements.
- (c) *Underground garages.* All garages located beneath one- or two-family dwellings shall have floors, walls, partitions and ceilings separating the garage space from the dwelling constructed of not less than three-fourths-hour fire resistance, including exitway through such garages, with a three-fourths-hour fire door or one three-fourths-inch solid core, flush type wood door or the approved labeled equivalent at the garage floor and a sill height of not less than four inches.

(Code 1983, § 14.23(1)--(3); Ord. No. 402, § IV, 5-23-1983)

Secs. 14-143--14-170. Reserved.

ARTICLE IV. MOVING BUILDINGS*

***Cross references:** Streets, sidewalks and other public places, ch. 82.

Sec. 14-171. Permit required.

No building shall be moved over city streets unless a permit has been granted by the building inspector.

(Code 1983, § 14.35(1))

Sec. 14-172. Application.

Any person wishing to move a building over city streets shall make application to the building inspector on a form provided by him. Such application shall also be signed by the owner of the property to which the building is to be moved.

(Code 1983, § 14.35(2))

Sec. 14-173. Permit to state requirements.

- (a) Every permit issued to move a building shall state all conditions to be complied with, designate the route to be taken, and state the limit of time for removal.
- (b) The moving of the building shall be continuous during all hours of the day and day-by-day if the council so orders until the moving is completed to cause the least possible obstruction to streets.
- (c) No building shall be allowed to remain overnight on any street crossing or intersection.
- (d) Red warning lights shall be placed conspicuously on both ends of the building during the night.
- (e) If a building being moved must remain stationary on a street for any time, permission for such shall be obtained from the mayor and building inspector and shall be so placed as to permit easy access to any fire hydrant.

(Code 1983, § 14.35(3))

Sec. 14-174. Conditions to be met.

- (a) No permit shall be granted for the moving of buildings over city streets without certain conditions being met.

- (b) The axle load shall be such so there is no damage to the road surface.
- (c) No building, excluding mobile homes, shall be moved from outside the city to a location within the city without council approval.

(Code 1983, § 14.35(4), (6)(f))