

CHAPTER 10

BUILDING REGULATIONS

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## 10.01 DEFINITIONS:

- 1) ADDITION. “Addition” means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- 2) ALTERATION. “Alteration” means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- 3) BUILDING. The term “building” as used in this chapter shall include any building or structure and any enlargement, alteration, movement or demolishing thereof and also any new heating plant, air conditioning plant or any material alteration of any of them.
- 4) DEPARTMENT. “Department” means the Department of Commerce.
- 5) DWELLING. “Dwelling” means:
  - a. Any building, the initial construction of which is commenced on or after the effective date of this ordinance which contains one or two dwelling units, or
  - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one or two-family dwelling.
- 6) ELECTRICAL. Term defined to be construction, repair, installation or alteration of electrical wiring system.
- 7) MINOR REPAIR. “Minor repair” means 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 to or efficiency of an exit stairway or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- 8) ONE OR TWO-FAMILY DWELLING. “A one or two-family dwelling” means 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, to the exclusion of all others.
- 9) PERSON. “Person” means an individual, partnership, firm or corporation.
- 10) PLUMBING. Term defined to be construction, repair installation or alteration of plumbing, drainage and plumbing ventilation.
- 11) POOL. A pool is any structure, basin, chamber or tank containing or capable of containing, an artificial body of water for swimming, diving, or recreational bathing, having a depth of two feet (2’) or more at any point.

- 12) UNIFORM DWELLING CODE. “Uniform Dwelling Code” means those administrative code provisions and any future amendments, revisions or modifications thereto, contained in the provisions of the Uniform Dwelling Code, Comm 20-25.

#### 10.02 BUILDING INSPECTOR:

- 1) GENERAL DUTIES. The Building Inspector shall administer and enforce the provisions of this chapter, and Chapters 16 and 17 and all of the incorporated provisions of the Uniformed Dwelling Code (UDC) 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 shall enter any premises for which such permit is issued, at any reasonable time during the course of the work and until final inspection and approval thereof has been given, for the purpose of inspecting such premises and its compliance as to construction or use with all statutory and ordinance regulations in reference to the construction, repair, use, and location of buildings. 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 said Inspector while in the performance of the duties prescribed in this chapter. Any person concerned by any other order or ruling of the Building Inspector may within 20 days thereafter appeal from such order or ruling to the Board of Zoning Appeals, such an appeal to be in writing.
- 2) QUALIFICATIONS. The Building Inspector shall be certified for inspection purposes by the department in each of the categories specified in the Wisconsin Administrative Code Enforcement and by the Department of Health and Social Services in the category of plumbing.
- 3) CERTIFICATION. The Building Inspector shall be certified for Wisconsin UDC for construction, plumbing, electrical, erosion control and HVAC.
- 4) SUBORDINATES. The Building Inspector may recommend, as necessary, subordinates, which appointments shall be subject to confirmation by the Council. Any subordinate hired to inspect buildings shall be certified under Wisconsin Administrative Code Enforcement and by the Department of Health and Social Services in the category of plumbing.
- 5) RECORDS. The Building Inspector shall keep a record of all applications for building permits in a file and 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 written report to the Council on the above matters, and an annual written report. The Building Inspector shall perform all administrative tasks

required by the department under the UDC. A copy of any issued building permit shall be kept on file with the Building Inspector at the City Hall.

#### 10.03 BUILDING PERMITS:

1) **PERMITS REQUIRED.** No building, plumbing, HVAC, or electrical work shall be performed by any party or be permitted to be performed on the property of any party in the City unless a permit is obtained. Failure to obtain a building permit before commencing with work will result in doubling the permit fee.

2) **APPLICATION.** (Ord. #1025 21/9/08)

a. Application for a building permit shall be made in writing upon a form furnished by the City and shall state the name and address of the owner of the land, and also of the owner of the building, if different, the address of the premises on which the building is to be located or the legal description if required by the Building Inspector and shall contain such other information as the Building Inspector may require for effective enforcement of this section. All applications for permits or certificates made to the City Building Inspector's office shall be accompanied by a fee required under this chapter intended to cover the inspector's necessary inspection and issuance services.

Application for new residential building, the permit shall be made in writing upon that form designated as the Wisconsin Uniform Building Permit Application, furnished by the Wisconsin Division of Safety and Buildings.

b. Building Permits – Residential (Required) (Ord. #1087 4/17/12)

Building Permits are required for work exceeding \$500.00 in value for building, repair, addition or structural alteration including accessory buildings and fences.

c. Building Permits – Residential (Required)

Building permits are 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) – This includes Porches, Decks
5. Ventilation
6. Electrical – Including new electric service, addition, or removal of electrical wiring or junction
7. Heating, Ventilating, Air Conditioning
8. Plumbing – Removal or changing of water supply lines, drain lines, vents, gas lines, or water softeners
9. Zoning (setbacks, lot coverage or height). This includes signs, fences, and pools

d. Building Permits – Residential (Not Required) (Ord. #1087 4/17/12)

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 ordinance.
3. The replacement of outlets, switches, light fixtures as long as it does not involve the addition or extension of electrical circuits

e. Building Permits –Industrial, Commercial, or Business (Required)

1. Building permits are required for work exceeding \$1,000. in value for building, repair, addition, structural alteration, change of use, change of occupancy or a change from another use or occupancy to a hazardous use or occupancy.
  - a. Any project requiring architectural drawings, plan submittal, or a registered project with the State of WI will require a building permit.
  - b. Electrical, heating, ventilating, 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, drain lines, vents, or gas lines.

f. Building Permits – Industrial, Commercial, or Business - (Not Required)

1. 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 H.V.A.C. facilities and does not improve the building, plumbing, electrical or H.V.A.C.

Note: In all zoning districts the value of the job if not provided will be determined by a minimum of the cost of materials doubled.

- 3) PLANS. With each application there shall be two (2) complete sets of plans including a plat plan showing the location of the proposed building with respect to adjoining streets, alley, lot lines and buildings. Said plans should clearly state the work planned, new or alterations to be made and the equipment and materials to be used and any deviation from such plans must be submitted.

- 4) **ISSUANCE OF PERMIT.** If the Building Inspector finds that the proposed building or repair or addition complies with all City ordinances and UDC, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site.
- 5) **CERTIFICATE OF USE AND OCCUPANCY.** When all work is completed and if no violations of this ordinance, law or rule is found, the Building Inspector 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 which conflicts with the conditions set forth in the Certificate of Occupancy.
- 6) **STOP WORK ORDER.** If the Building Inspector shall find at any time that the ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical, plumbing, HVAC and erosion control 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 there under until the permit is reissued, excepting such work as the Building 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 or property.
- 7) **PERMIT LAPSES.** A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within 6 months from the date of issuance thereof. If after commencement of the work said work ceases for any reason for a period of 6 months or upon the expiration of 24 months after the date of the permit, the permit shall expire but may be renewed without additional fee provided that the scope of the work has not changed nor the dollar value of it increased.
- 8) **REPORT OF VIOLATIONS.**
  - a. It shall be the duty of all City officers to report at once to the Building Inspector any building, electrical, plumbing or HVAC work which is being carried on without a permit as required by this Chapter.
  - b. If an inspection reveals a noncompliance with this ordinance or the UDC, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to sec. Ind. 20.10(1)(c), Wisconsin Adm. Code.
  - c. If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall

not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

d. Each day each violation continues after the 30 day written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the UDC.

e. If any construction or work governed by the provision of this ordinance or the UDC is commenced prior to the issuance of a permit, double fees shall be charged.

9) **APPEAL TO BOARD OF APPEALS.** Any person denied by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

a) The person applying for a variance from the Board of Appeals shall file a petition for variance form provided by the Council and the City Clerk together with a fee as established by resolution.

10) **LIABILITY FOR DAMAGES.** This ordinance shall not be construed as an assumption of liability by the City for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

11) **SEVERABILITY.** If any section, clause, provision or portion of this ordinance or of Comm 20-25, Wisconsin Administrative Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

12) **CONFLICT OF PROVISIONS.** If any section of this ordinance or the UDC conflict with or contravene any other section of the Municipal Code, the provisions of this ordinance and the UDC shall supersede any such conflicting provision with respect to the subject matter of this ordinance.

#### 10.04 FEES PAID TO CITY CLERK:

All monies received for permits and inspection fees pursuant to this chapter shall be paid into the City treasury for use in the general fund. The City Clerk shall keep an account of the same and make a report thereof once a year to the Common Council.

#### 10.05 WISCONSIN UDC:

- 1) The Wisconsin UDC, Chapters Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- 2) Notwithstanding s. Comm 20.05, the scope also includes the construction and inspection of alterations and additions to one and two-family dwellings built before June 1, 1980. Comm 20.19 and 20.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. Comm 20.19 (Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the Board of Appeals approves petitions for variance, the Building Inspector is granted the power to apply the results.
- 3) Notwithstanding s. Comm 20.05, the scope also includes the construction and inspection of detached garages serving one and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the UDC. Petitions for variance and appeals shall be handled as in the previous paragraph.

#### 10.06 CONSTRUCTION STANDARDS FOR ONE AND TWO-FAMILY DWELLINGS:

All one and two-family dwellings, whether manufactured or site-built, shall be constructed to meet the following requirements:

- a. Roofs shall be constructed so as to include overhangs of at least 12" on the eaves.
- b. Roofs shall be covered with shingles made of asphalt, fiberglass, slate, tile, wood, concrete, metal or rubber membrane with or without stone.
- c. The dwelling shall contain a core living area with perimeter, exterior dimensions of no less than 24 feet by 24 feet.
- d. The roof over the core living area shall have a minimum pitch of 4 (rise) to 12 (run).

#### 10.07 FEES FOR BUILDING PERMITS AND INSPECTIONS:

PERMIT FEES. (Ord. #1087 4/17/12)

- a. PERMIT FEES AND ISSUANCE.  
The person applying for a building permit shall complete an application and submit all fees as established by resolution to the City of Chilton before the permit is issued.

#### 10.08 OUTDOOR WOOD BURNING FURNACES:

- 1) DESCRIPTION: Includes an accessory structure or appliance designed for a location ordinarily outside the principal structure and used to transfer or provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal

or accessory structure on the premises. Does not include recreational fire, barbecues, fryers or chimneys.

- 2) Outdoor wood burning furnaces are prohibited in the entire City.

#### 10.09 POOLS:

- 1) **REGULATIONS.** This ordinance shall apply to all new, remodeled, altered and relocated private pools in the City of Chilton except that the protective enclosure requirements shall be retroactive to all existing pools.
- 2) **PERMIT.** A building permit is required and shall be obtained for the installation, alteration or addition of a pool in accordance with Section 10.03 of the Municipal Code of Ordinances. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot location and size of all buildings, structures and fences existing or proposed and any other information affecting the premises. The plot plan shall be accurate and dimensioned.

Plumbing and electrical permits are required in accordance with Section 10.03 of the Municipal Code of Ordinances for applicable installations for the operation of a pool. Plumbing installations for the operation of a pool are required to be done in compliance with State Plumbing Code under a plumbing permit. Electrical installations made for the operation of a pool are required to be done in compliance with the National Electrical Code, Article 680, under an electrical permit.

- 3) **POOL LOCATION REQUIREMENTS.** The pool and any pool accessory building structure and any pool equipment or structure shall not exceed 15% of the open area of the lot on which it is located. All side yard and setback requirements shall be in accordance with Chapters 16 and 17 of the Chilton Municipal Code.
- 4) **PROTECTIVE ENCLOSURES REQUIRED.**
  - a. All private residential pools whether in ground or above ground types, shall be enclosed with an adequate and secure fence at least 42" inches high above adjoining grade to prevent straying into pool area. Required fences shall be constructed to prohibit the passage of a four inch sphere between fence members. Any gate installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least 30 inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least 42" inches above the ground or a pool cover capable of supporting 100 pounds per square foot of area are acceptable substitutes for fencing. Such pool domes or covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person.

- b. **EXCEPTION:** Above grade pools with walls that are at least 42”inches high at all points around said pool or have platforms and railings that are 42” inches or more in height above grade are not required to be enclosed as provided in paragraph (a), but the ladders and stairways providing access to said pools shall be adequately secured to prevent entry whenever the pool is not in use.
- 5) **LIGHTING.** Any area lighting for pools shall be shielded to prevent the lighting of neighboring properties.
- 6) **DRAINAGE.** The draining of pools shall be directed to a public storm sewer or catch basin connected to the public storm sewer. Drainage shall be controlled to prevent any adverse effect on adjoining property.
- 7) **PROPERLY MAINTAINED.** All pools shall be maintained in such a way as to not create a nuisance, hazard, eyesore, or otherwise result in a substantial adverse effect on neighboring properties or to be in any way detrimental to public health, safety or welfare.
- 8) **CONFORMITY.** Existing pools not in compliance with the fencing or enclosure requirements shall be made to comply within twelve months of the adoption of this ordinance. Existing pools that are reconstructed or relocated shall be brought into compliance with these requirements at the time of reconstruction or relocation.

#### 10.10 FENCES.

- 1) **STATEMENT OF PURPOSE.** This section is established to recognize the public and private benefits accrued from functional and aesthetic screening between areas of incompatible land uses, the increasing demand for active and passive recreational uses, the desirability of providing visual screening of certain parking lots, commercial and manufacturing areas, and the necessity of providing adequate vehicular vision clearance.
- 2) **MINIMUM AND MAXIMUM HEIGHT OF SCREENING.**
  - a. Screening, erected, placed, maintained or grown in a required front or street side yard and located less than four (4) feet from the street lot line shall not exceed a height greater than four (4) feet above the curb level or its equivalent. Provided, however, that within ten (10) feet from any driveway or alley crossing of a street lot line, any screening shall not exceed two (2) feet in height unless it is at least ninety (90%) percent open for through vision.
  - b. Unless otherwise provided, a vision-barrier fence that is within four (4) feet of the lot line in an abutting residential district shall not exceed six (6) feet in height.

3) VISION CLEARANCE.

- a. On a corner lot in any residential district, no structure, screening, bush, tree branches or embankment shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street lines or their projections and a line joining points on such street lines located a minimum of twenty-five (25) feet from the street intersection in order to provide adequate vehicular vision clearance. Provided, however, that a fence so designated, constructed and maintained as to be at least ninety (90%) percent open for through vision may be constructed in such vision clearance area.
- b. On a corner lot in any commercial or industrial district, no structure, screening, bush, tree branches or embankment of any kind shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street lines or their projections and a line joining points on such street lines located a minimum of ten (10) feet from the street intersection in order to provide adequate vehicular vision clearance. Provided, however, that a fence so designed, constructed and maintained as to be ninety (90%) percent open for through vision may be constructed in such vision clearance area.

4) EXISTING SCREENING. Any screening which exists at the time of the passage of this Code, but does not conform with the provisions thereof, shall not be altered or enlarged without making the entire unit conform with the provisions of this section.

5) DIAGRAM FOR LOT LINE AND VISION. That the diagram attached hereto explaining for through vision and street lot line be part of this ordinance.

10.11 PENALTY:

Any person who shall violate any provision of this ordinance shall be subject to a penalty as provided in Sec. 20.04 of the Municipal Code of Ordinances of the City of Chilton and Comm 20.22.