TOWN OF GREEN BAY

BROWN COUNTY, WISCONSIN

**AN ORDINANCE ADOPTING UNIFORM DWELLING CODE**

 The Town Board of the Town of Green Bay, upon proper notice and with quorum present and voting, hereby ordains the following amendments to the Town’s Uniform Dwelling Code Ordinance:

Section 1. Authority.

These regulations are adopted under the statutory authority granted pursuant to §§ 101.65, 101.651, and 101.761 of the Wisconsin Statutes.

Section 2. Purpose.

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

Section 3. Definitions.

As used in this Chapter, the following terms have the meaning prescribed herein: (any time not defined herein shall follow the Wisconsin Administrative Code definitions.)

1. Building. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children’s play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
2. Building Inspector. The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.
3. Construction. Any part or portion of the activity of installing, locating, siting, erecting or razing a building.
4. Contractor. Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
5. Demolition. The activity of completely or partially destroying a previously erected or constructed building.
6. Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
7. HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
8. Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
9. Owner. The individual, firm or entity which has recorded title to the real estate on which construction or demolition is taking place.
10. Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
11. Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light, ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
12. Stop work order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

Section 4. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

(a) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

(b) Notwithstanding s. SPS 320.05, 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 Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

(c) The scope of this ordinance also includes the construction and inspection of new camping units as required in SPS 327.06, as amended.

(d) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to existing dwellings built after June 1, 1980.

(e) Building and Heating Ventilating and Air Conditioning Code, Chapter Comm 64, Wisconsin Administrative Code, for maintenance of buildings built prior to July 1, 2002. For new buildings, alterations, and additions started on or after July 1, 2002, Wisconsin Commercial Building Code, Chapters SPS 360-366.

Section 5. Permit Required.

BUILDING PERMIT REQUIRED. Any person, unless exempt under this Ordinance, who constructs, installs, repairs, reconstructs, removes, demolishes, or remodels any private building or structure in the Town, including building, heating, ventilating, plumbing or electrical work or service, or who causes the same to occur, shall seek and obtain from the Town a Town Building Permit prior to commencing, or causing the commencement of, construction, removal, demolition, installation, repair, reconstruction or remodeling project. This shall include the following:

1. New buildings.

1. Additions that increase the physical dimensions of a building including decks.
2. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
3. Alteration of plumbing, venting, electrical or gas supply systems.
4. Any electrical wiring for new construction or remodeling.
5. Any HVAC for new construction or remodeling.
6. Any plumbing for new construction or remodeling.
7. Camping units.

1. Construction of remodeling to a detached accessory structure that is over 100 sq. ft.
2. Commercial Buildings.

Section 6. Adoption of State Codes.

(a) WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, SPS 381-387 Plumbing and SPS 316 Electrical 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.

(b) WISCONSIN CAMPING CODE ADOPTED. The Wisconsin Camping Unit Code, Chs. SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to camping units within the scope of this ordinance.

(c) WISCONSIN COMMERICAL BUILDING CODE ADOPTED. The Wisconsin Commercial Building Code, SPS 361-366 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.

Section 7. Building-HVAC-Electrical-Plumbing Inspector.

1. Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
2. Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department of Safety and Professional Services.
3. Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
4. Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to § 66.0119, Wis. Stat.

(e) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contactor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

(1) Footing

(2) Foundation

(3) Rough Carpentry, HVAC, Electric and Plumbing

(4) Draintile/Basement Floor

(5) Underfloor Plumbing

(6) Electric Service

(7) Insulation

(8) Final Carpentry, HVAC, Electric & Plumbing

(9) Erosion Control

1. Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.
2. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
3. Records. The Building Inspector shall perform all administrative tasks requires by the Department under all codes covered in Section 6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

Section 8. Submission of Plans.

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

Section 9. Issuance of Permit.

ISSUANCE OF PERMIT. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

Section 10. Occupancy Permit.

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building’s occupants, the Building Inspector ma issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

Section 11. Unsafe Buildings.

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner’s option. Such orders and proceedings shall be as provided in § 66.0413, Wis. Stat.

Section 12. Fees.

BUILDING PERMIT FEE. The building permit fees shall be determined by resolution and shall include $30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. A camping unit building permit shall be determined by resolution and shall include $30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any camping unit. A person who obtains a Wisconsin camping unit building permit from the Village shall retain the Village to conduct the inspection of the camping unit as required under s. SPS 327.11. The inspection fee for camping units shall be $30.00.

Section 13. Violations and Penalties.

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

Section 14. Stop Work Order.

The Building Inspector may issue a stop work order for a project to prevent further

Non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

Section 15. Variance.

The Municipality shall hear requests for variances from the building code to the extent the municipality has authority to hear and grant variances. The municipality shall approve, conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

Section 16. Appeals.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.

Section 17. Disclaimer and Non-Liability for Damages.

This ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

Section 18. Severability.

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

This ordinance shall be effective upon passage and publication or posting as required by law.

The Town Clerk and Town attorney are authorized to take such further action as may be necessary to implement this Ordinance.

Adopted on the 8th day of December, 2020.

TOWN OF GREEN BAY

 By: */s/ Cary Dequaine*

 Cary Dequaine, Town Chairperson

Attest:

*/s/ Debbie Mercier*

Debbie Mercier, Town Clerk