

## CHAPTER 16

### BUILDINGS REGULATIONS

#### 16.01 BUILDING REGULATIONS

##### (1) APPLICABILITY OF BUILDING REGULATIONS

(A) **One and two family dwellings, the initial construction of which was commenced after December 1, 1978.** The Village of New Auburn, being under 2,500 in population, pursuant to Chapter 101 Wis. Stats. elects not to enforce the One and Two Family Dwelling Code, and is a "non-enforcing municipality" under Section 101, Wis. Stats. As such, the "standard" one and two family building permit will not be required by the Village, but the "administrative" permit for one and two family dwellings as required by the Department of Industry, Labor and Human Relations must be obtained.

While individuals contracting for remodeling or revising one and two family dwellings remain subject to Chapter 101, Wis. Stats., and are subject to construction standard mandated by the State of Wisconsin, the Village does not enforce such standards or perform inspections for such construction standards.

In addition to the administrative permit required by the State of Wisconsin, the Village requires a local building permit to facilitate enforcement of zoning laws, laws requiring connection to municipal water and sewer systems, laws regulating sidewalks and driveway openings, and other laws not related to construction standards (which are preempted by State regulation in Chapter 101 Wis. Stats.).

(B) **One and two family dwellings, the initial construction of which was commenced on or before December 1, 1978** For one and two family dwellings, any remodeling, revision, or additions to such structures are not subject to Chapter 101 Wisconsin Statutes; but are required to obtain a local permit from the Village of New Auburn. If the Department of Industry, Labor and Human Relations should require an administrative permit for such pre-December 1, 1978 dwellings, the administrative permit will also be required.

(C) **Public Buildings, Public Structures and Places of Employment.** For public buildings, public structures and places of employment, a local permit is required. Pursuant to Section 101.12(h) Wis. Stats., a local permit cannot be granted until the applicant shows that required drawings and calculations have been examined by the Department of Industry, Labor and Human Relations.

(D) **All Other Buildings.** All other buildings are subject to this ordinance, unless jurisdiction to regulate is specifically reserved by State Statute or Federal Law.

## **16.02 BUILDING PERMITS**

(1) **Building Permits Issued By Building Inspector.** Building permits for the Village of New Auburn shall be issued by the Building Inspector.

The Building Inspector shall be appointed in the same manner as committee appointments.

(A) **One and two family dwellings, the initial construction of which was commenced after December 1, 1978** Any remodeling, revision, or additions to such structures are subject to Chapter 101 Wisconsin Statutes. As such, they are subject to construction standards mandated by the State. The Village does not enforce such standards or perform inspections for such construction standards. As such, the Village is a "non-enforcing" municipality. However, an administrative building permit is required for one and two family dwellings. Also, a Village building permit is required for all construction to facilitate enforcement of zoning laws, laws regarding private sewage systems ( Section 66.036) Wis. Stats. laws requiring connection to municipal water and sewer systems, laws regulating sidewalks and driveway openings, and other laws not related to construction standards.

(B) **Enforcement of Building Regulations.** The Building Inspector shall enforce the provisions of this chapter and all ordinances of the Village of New Auburn.

(C) **Deputy Inspectors.** The Building Inspector may appoint, subject to approval of the Village Board, one or more village employees or officials as Deputy Building Inspectors, and may delegate to them the powers and duties of his office. No such appointment shall carry with it an increase in salary or wages unless specifically authorized by the Village Board.

(D) **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 may make inspection thereof and require the production of the permit for any building or the required license therefore.

(E) **Interference With Inspector:** No person shall interfere with the Building Inspector or his representatives in the performance of their duties.

(F) **Records:** The Building Inspector shall keep a record of all applications for buildings permits in a book for such purpose, and regularly number each permit in the order of its issue.

## **16.03 DEFINITIONS**

(1) The term "building" as used in this chapter shall include any building or structure; any enlargement, alteration, repairing, moving or demolishing of any building or structure, any new heating or ventilating installation or any material alteration at any

of such existing installations and includes portable structures such as semi-trailers and milk truck boxes converted into building use.

(2) The term "dwelling" includes every building occupied exclusively as a residence by not more than two families.

**16.04 PERMIT REQUIRED.** No building or structure or any part thereof shall hereafter be built, enlarged, improved, altered, or moved within the Village, except as hereinafter provided, unless a permit required by this code shall first be obtained by the owner or his agent from the Building Inspector as provided in this chapter.

**16.05 PLANS TO BE SUBMITTED.** With each application for a building permit, there shall be submitted to the Building Inspector, a complete set of plans and specifications furnished by the owner, including a situation plan showing the location of the proposed building. Drawings that do not show all necessary details to enable the Building Inspector to intelligently inspect the same shall be rejected. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Industry, Labor and Human Relations. 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, if a survey is specifically demanded by the Building Inspector.

**16.06 WAIVER OF PLANS.** If in the opinion of the Building Inspector the character of the work is sufficiently described in the application, he may waive the filing of plans, provided the cost of such work does not exceed \$5,000.00.

**16.07 APPROVAL OF PLANS: ALTERATIONS.** If the Building Inspector finds that the proposed building will comply in every respect with all ordinances of the Village and all laws and lawful orders of the State (except 101.65 and code provisions relating thereto) and the applicant has any required permits for private domestic sewage treatment and disposal systems from the pertinent county zoning office (66.036 Wis. Stats.), he shall officially approve and stamp one set of the plans and return them to the owner and shall issue a building permit therefore, 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 which involves the safety of the building, except with a written consent of the Building Inspector. In case adequate plans are presented, the Building Inspector may at his discretion issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued.

**16.08 MINOR REPAIRS.** No building permit shall be required for any minor repair or alterations which do not change the occupancy, area, structural strength, fire protection, exits, or ventilation of the building and which costs less than \$2,000.00.

**16.09 UNSAFE BUILDINGS.** Whenever the Building Inspector finds any building or part thereof within the Village to be in his judgment so old, dilapidated or so out of repair 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, he shall order the owner to raze or remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceeding shall be as provided in Section 66.05 of the Wisconsin Statutes.

**16.10 APPLICATIONS FOR PERMITS.** All applications for building permits shall be in writing and filed with the Building Inspector on forms furnished by him. Each application shall contain the following information as well as such other information as may be required by the Inspector.

(1) **BUILDING PERMIT APPLICATIONS.** Each application for a building permit shall state the name and address of the applicant, the name and address of the owner of the land on which the building is situated or is to be constructed, the name and address of the owner of the building, if different from that of the land owner, the legal description of the land and the name and address of the designer. Plans required under Section 16.05 shall be submitted with each application.

(2) **ADMINISTRATIVE ONE AND TWO FAMILY DWELLING PERMIT APPLICATIONS.** Each application for a permit required by this chapter shall state clearly the name and address of the applicant, the address of the premises, the nature of the work planned, the alterations to be made thereon, and the materials and equipment to be used, as requested by the Building Inspector. The application shall be accompanied by a plan or sketch showing the detailed work to be done. The administrative permit used shall be in the form required by the Department of Industry, Labor and Human Relations from time-to-time.

**16.11 PERMIT FEES.** Each applicant for a building permit shall pay to the Village Treasurer a fee of \$10.00. Fees shall be noted in Appendix E.

#### **16.12 ISSUANCE OF PERMITS**

(1) Upon approval by the Building Inspector of the application and upon compliance by the applicant with all requirements and payment of the required fee, a permit shall be issued by the Inspector to the owner or his agent for the work set forth in the application.

(2) The Building Inspector may not issue a building permit for the remodeling, replacement or reconstruction of a mobile home such that the mobile home will become a permanent residence, but shall transmit the application to the Village Board with his recommendations regarding issuance thereon. The Village Board shall determine whether or not such permit shall be issued. If the Village Board decides to issue such permit, it may issue the permit subject to conditions which will ensure the safety, permanence, and residential character of the proposed reconstruction.

**16.13 LAPSE OF PERMIT.** A building permit shall have lapsed and be void within 6 months unless substantial work has commenced or within 18 months after issuance of

the permit if the structure for which a permit is issued is not substantially completed unless a re-application for building permit and new permit is issued. Cross Reference Zoning Section 22.26(2)(E).

**16.14 REVOCATION OF PERMIT.** If the Building Inspector shall find at any time that the sections of this code are not being complied with, he shall revoke the building permit by written notice posted at the site of work. When any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is reissued, excepting work as the Building Inspector shall order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety.

**16.15 REPORT OF VIOLATIONS.** It shall be the duty of the Village Marshal to report at once to the Building Inspector any building work being carried on without a permit as required by this chapter.

## **16.16 GAS APPLIANCES AND INSTALLATIONS**

### **(1) SALE OF APPLIANCES**

**(A)** All gas appliances and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.

**(B)** The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current models of gas appliances and accessories.

### **(2) INSTALLATION OF APPLIANCES**

**(A)** All gas appliances, accessories and piping systems shall be installed to conform to reasonable standards of safety.

**(B)** Installation of appliances, accessories, and piping that complies with the standards recommended by the American Standards Association in their manual entitled "Installation of Gas Appliances and Gas Piping" 1969 edition (as amended, updated or replaced) shall be considered prima facie as conforming to reasonable standards of safety.

**(C)** It shall be unlawful for any person, firm, or corporation, excepting an authorized agent or employee of the gas supplier, to turn on or reconnect gas services in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning on

gas that he had temporarily turned off for the purpose of connecting an appliance or making repairs.

(D) It shall be unlawful for any person, firm or corporation to install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliances in quantities that will assure reasonably safe and uninterrupted operation.

### (3) ENFORCEMENT

(A) No person shall sell or offer for sale or install any gas appliance or accessories or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe or dangerous.

(B) The Building Inspector may disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this section on which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping which shall state that it has been disconnected and the reasons therefore, and such notice shall not be removed nor shall the appliance, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this section and its reconnection has been authorized by the Building Inspector.

**16.17 APPEAL FROM ORDER OF BUILDING INSPECTOR.** Any person feeling himself aggrieved by an order or ruling of the Building Inspector may file a written appeal from such order or ruling to the Village Board within five days after written notice of such order or ruling shall have been received by him. Such appeal shall set forth the order appealed from and shall be filed with the Village Clerk. The notice of appeal shall state clearly and briefly the grounds of complaint and be accompanied by originals or copies of all papers and drawings submitted to the Inspector as well as all decisions, notices, or orders issued by him. Upon the hearing of the appeal, the Village Board shall make such decision and disposal of the matter as it deems just. Where a situation requires an immediate decision, that of the Building Inspector shall be final and conclusive.

**16.18 NON-LIABILITY OF THE VILLAGE.** This chapter shall not be construed as assuming any liability on the part of the Village for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any gas appliance or installation, or by reason of any inspections made or not made, or permits issued.

**16.19 PENALTIES.** Any person who violates any provisions of this chapter shall be subject to a forfeiture as prescribed in Section 1.05 of this code. Each day of violation shall constitute a separate offense. 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.