

CHAPTER 14
BUILDING CODE

(with amendments through 8-8-2019)

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14.01 TITLE. This chapter shall be known as the "Building Code of the Village of West Baraboo" and will be referred to in this chapter as "this code".

14.02 PURPOSE. This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such building, and the general public.

14.03 SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into, the Village shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons, is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Code was enacted. The provisions of this Code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

14.04 BUILDING INSPECTOR

(1) GENERAL POWERS AND DUTIES. The Building Inspector shall enforce the provisions of this chapter 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 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.

(2) QUALIFICATIONS. The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to supervise the general construction of buildings and shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

(3) RECORDS. The Building Inspector shall keep a record of all applications for building permits in a book and regularly 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 report to the Village Board on the above matters.

(4) APPEALS. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may within 20 days thereafter appeal from such order or ruling to the Board of Zoning Appeals.

14.05 BUILDING PERMITS AND INSPECTION.

(1) PERMIT REQUIRED. No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

No building permit shall be issued for any building or structure with a non-residential use if the owner of the building or structure shall have any delinquent tax or fee owed to the Village, including personal property taxes and room taxes.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

(3) DEDICATED STREET REQUIRED. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(4) UTILITIES REQUIRED. No building permit shall be issued for the construction of any residential building until sewer and water are installed and grading and graveling of the street necessary to service the property for which the permit is required is completed, and a receipt for payment of electrical hook-up is presented to the Building Inspector. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

(5) PLANS. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new 1- and 2-family dwellings shall comply with the provisions of Wis. Adm. Code. Ind. S. 20.09(4).

(6) APPROVAL OF PLANS. If the Building Inspector determines that the building will comply in every respect with all ordinances of the Village and all applicable laws and administrative rules of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, and which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building or occupants, except with the written consent of the Building Inspector. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. No work is to be started unless the proper grades have been reviewed by the Director of Public Works, including the grade for sidewalks, curb and gutter, driveways and general construction.

(7) WAIVER OF PLANS. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

(8) FEES FOR BUILDING PERMITS AND INSPECTION. The schedule of building permit fees to be paid shall be established by the village Board by resolution and the Village Board may from time to time adopt a new schedule as required. NOTE: If any work is commenced before a building permit is obtained, all of the fees so established shall be doubled.

(9) MINOR REPAIRS AND ALTERATIONS. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

(10) INSPECTION OF WORK. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, he shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If he finds that the work conforms to the provisions of this code, he shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(11) PERMIT LAPSES. Unless extended by the Building Inspector's written approval and permit extension fees are paid, a Building Permit shall lapse and be void if either:

(a) Building operations have not commenced within 6 months from the date of issuance thereof; or

(b) 18 months have expired from the date of issuance thereof.

(12) REVOCATION. If the Building Inspector shall find at any time that applicable ordinances, laws, orders, administrative rules, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing 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 thereunder until the permit is reissued, except such work as the Building Inspector may 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.

(13) REPORT OF VIOLATIONS. The police or other Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this chapter.

14.06 OCCUPANCY PERMIT REQUIRED: ISSUANCE AND REVOCATION. No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. The permit may be revoked at the discretion of the Building Inspector upon 30 days' notice to the user or occupant of the building.

14.07 CONSTRUCTION OF BUILDINGS.

(1) STATE CODES ADOPTED. Wis. Adm. Code Ind. Chs. 50 to 64 are hereby adopted by reference and made a part of this chapter with respect to those classes of buildings to which said Chs. 50 to 64 specifically apply. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector.

(a) Terms. The building terms used in this chapter shall have the meaning given them by the State Building Code.

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

(c) Workmanship. Workmanship in the fabrication, preparation and the installation of materials shall conform to generally accepted good practice.

(2) WISCONSIN UNIFORM DWELLING CODE ADOPTED.

(a) Wis. Adm. Code Ind. Chs. 20 to 23 are hereby adopted by reference and made a part of this chapter and shall apply to all new 1- and 2-family dwellings and all additions to existing and new 1- and 2-family dwellings.

(b) Wis. Adm. Code Ind. Chs. 21 to 23 are hereby adopted by reference and made a part of this chapter and shall pertain to all remodeling or alterations in existing 1- and 2-family dwellings.

14.08 GARAGES. Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Private garages shall be located not less than 5 feet from the adjoining lot line. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45 minute fire-resistive construction as specified in Wis. Adm. Code Ind. Ch. 51. (Amended 8/8/2019; Ord. 19-09)

14.09 PRIVATE SWIMMING POOLS. No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building except in accordance with the following regulations: (Revised 1-14-2013)

(1) DEFINITION.

(a) "Swimming pool" means an outdoor structure containing a body of water at any point greater than 18 inches above or below the surface of ground elevation and includes all structural facilities, appliances, and appurtenances, equipment and other items used and intended to be used for operation and maintenance of a private or residential swimming pool.

(b) Exempt pools. Storable children's swimming or wading pools with a maximum diameter of 15 feet and a maximum wall height of 18 inches, and which are constructed so that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from this definition.

(2) PERMIT.

(a) Required. No person shall construct, install, enlarge or alter any private swimming pool without first obtaining a permit from the Building Inspector.

(b) Application. The application for a permit shall be made on forms provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:

1. Location of pool on lot, distance from lot lines and distance from structure.
2. Location of any septic tank, filter bed and sewer and water lines.
3. Pool dimensions and volume of water in gallons.
4. Location of proposed fence, and type, size and gate location.
5. Existing overhead wiring relative to proposed pool; and
6. Location of utility meters.

(c) Fees. The applicant shall pay a permit fee at the time the application is filed. The amount of the fee is set forth in the Official Village Fee Schedule.

(3) CONSTRUCTION REQUIREMENTS.

(a) No connection shall be made to the sanitary sewer or septic system.

(b) Where topography requires, a permanent wall of concrete, masonry or other materials approved by the Building Inspector shall be constructed to prevent ground and fill from spilling onto adjoining property.

(c) The bottom and sides of all swimming pools shall have a smooth finish. No sand or dirt bottoms are allowed.

(d) Gaseous chlorination systems shall not be used for disinfecting pool water.

(e) No above-ground pool shall be located less than 5 feet from any septic system.

(4) FENCE REQUIREMENTS.

(a) Except as provided below, swimming pools not enclosed within a permanent building shall be completely enclosed by a fence, including a gate that can be locked, capable of sustaining a point load of 250 pounds. The fence shall have a minimum height of 4 feet.

(b) The fence shall be locked at all times when the swimming pool is not in actual use for swimming purposes.

(c) A fence may be omitted where swimming pools are installed above ground and have a raised deck and an attached enclosed railing, including a gate that can be locked, around the entire pool perimeter. The railing shall have a minimum height of 36 inches above the deck and be capable of sustaining a point load of 250 pounds.

(d) The fence in area shall not block access to meters for utilities.

(5) EXISTING POOLS. All swimming pools existing at or before the passage of this section shall comply with the fencing requirements before water is placed in the pool.

(6) COMMERCIAL OR PUBLIC GRADE POOLS. All commercial and public grade pools shall meet all of the requirements of this section and of Wisconsin Administrative Code SPS 390. Where the requirements differ, the more stringent standard shall apply.

(7) ELECTRICAL REQUIREMENTS.

(a) To Comply With Electrical Codes. All electrical installations shall require separate permits and shall be governed by the Village Electrical Code.

(b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

(8) OPERATION OF POOL. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

14.10 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

14.10.5 RADIANT HEATING UNITS.

(1) DEFINITION. "Radiant heating unit" is a room heater, stove or free standing fireplace not intended for duct connections used to heat a room or rooms using the combustion of such solid fuels as wood or coal as a source of heat.

(2) PERMIT REQUIRED. It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the Village without first having obtained a permit from the Building Inspector.

(3) APPLICATION FOR PERMIT. Application for a permit shall be made on a form provided by the Building Inspector. The following data shall be submitted with the application:

- (a) The manufacturer's installation, maintenance and operations manual.
- (b) Type and size of chimney.
- (c) The proposed chimney flue or new chimney flue size.
- (d) The number and size of existing vent connections to the chimney flue.
- (e) The clearance distance from any wall or ceiling; if less than 36 inches from any wall or ceiling, the description of fire resistant material to cover such wall or ceiling.

(f) The type of floor on which unit will be mounted; if the floor is combustible, the type and size of fire resistant covering to be used.

(g) Any other information required by the Building Inspector relating to the safety and operation of the unit.

(4) **ISSUANCE OF PERMIT.** Upon examination of the application and accompanying data by the Building Inspector, the Inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this section and, if so, issue the permit; if not, the Building Inspector shall state, in writing, his reasons for not issuing the permit.

(5) **INSPECTION.** No person may operate or permit the operation of a radiant heating unit until the Building Inspector has inspected and approved the installation thereof.

(6) **FEES.** See sec. 14.05 of this Chapter.

14.11 (Repealed 9-13-2012 and Signs relocated to 17.33)

14.12 **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 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, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in S. 66.05, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Village in an action against the owner or tenant.

14.13 **MOVING BUILDINGS.** See Sec. 8.08 of this Code.

14.14 **APPLICATION OF STATE CODES.** Wis. Adm. Code Ind. Chs. 20 through 25 and Chs. 50 through 64, the State Electrical Code, the State Plumbing Code, the State Flammable Liquids Code and the State Well Drilling Code are hereby adopted by reference and the Building Inspector shall enforce the provisions thereof. Any violation of said codes or amendments thereto shall constitute a violation of this Code, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

14.15 **DISCLAIMER ON INSPECTIONS.** The purpose of the inspections under this code is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical

systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

14.16 VIOLATIONS AND PENALTY. Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. 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. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.