

ORDINANCE 2021-2
Town of Ellsworth
Pierce County Wisconsin

An Ordinance Replacing the Town Building Code Ordinance
and amended/modified by Ordinance 2024-1 adopted March 4, 2024

The Town Board of the Town of Ellsworth ordains as follows:

1.0 ORDINANCE REPEALED AND REPLACE. The Town Board of the Town of Ellsworth hereby ordains that Ordinance #2008-1 shall be and repealed and replaced with this Ordinance No. 2021 – 2 as follows:

1.1 AUTHORITY. The Town of Ellsworth, County of Pierce adopts these regulations under the authority granted by Wisconsin Statutes 101.12 and 101.65.

1.2 PURPOSE. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and Commercial Building Codes.

1.3 SCOPE. This chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings.

1.4 ADOPTION OF CODES. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, and its successors, 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.

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 316	Electrical
Chs. SPS 381-387	Plumbing
Chs SPS 327	Camping Units

1.5 BUILDING INSPECTOR. The building inspector authorized by the municipality to enforce the adopted codes shall be properly certified by the Division of Industry Services.

1.6 RESIDENTIAL BUILDING PERMIT REQUIRED. No person shall alter, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits.

1.7 EXEMPTIONS FROM PERMIT REQUIREMENT

1.7.1 Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$2000 (in a 12-month period) and does not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation.

1.7.2 The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to building or structure.

1.7.3 Fences or other similar enclosures.

1.7.4 Re-roofing projects that do not involve the repair or replacement of any structural elements.

1.7.5 Outbuildings (not including structures larger than 200 square feet-meaning any structure larger than 200 square feet will require a building permit) without a foundation or slab

1.7.6 Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector on a case-by-case basis.

1.7.7 Residing, finishing of interior surfaces and installation of cabinetry

1.7.8 Replacement of same size windows and doors

1.8 COMMERCIAL BUILDING CODE PERMIT REQUIRED. No person shall build or cause to be built any new public building or place of employment or any alteration or addition to an existing public building or place of employment without first obtaining a commercial building permit from the building inspector. This permit shall be issued after receipt of State of Wisconsin approved plans, where required, and sanitary permits, if applicable, and a determination has been made of compliance with, zoning, setbacks, ordinances, and regulations of the Town of Ellsworth, the County of Pierce, and the State of Wisconsin.

1.9 BUILDING PERMIT FEE. The building permit fees shall be determined by resolution. The building permit fee shall be doubled for any project requiring a permit which is commenced without a permit or prior to issuance of a permit.

1.10 OCCUPANCY/ROAD DAMAGE DEPOSIT. Any applicant for a building permit for a new dwelling shall pay an occupancy and road damage deposit to the Town in the amount of \$ 1500.00 (one thousand five hundred dollars) prior to the issuance of the permit. This deposit shall be held in a non-interest bearing account by the Town. If the project is completed, final inspection conducted, and the structure has not been occupied nor road damage observed, this deposit shall be refunded to the applicant. Any damage to Town roads due to the project shall be repaired by the Town and charged against the deposit. Any balance remaining shall be paid by the applicant within 30 (thirty) days of written invoice by the Town. Any amounts not paid within that time frame shall be charged against the property and placed on the tax roll pursuant to Wisconsin Statutes Section 66.0627.

1.11 EXPIRATION OF PERMIT. Work to be done pursuant to the permit must be commenced within six months of the date of issuance or the permit shall expire notwithstanding work pursuant to SPS 316 which shall expire within one year of the date of issuance if work has not been commenced. All work to be done pursuant to the permit must be completed within two years of the date of issuance; permits shall expire two years from the date of issuance.

1.12 OCCUPANCY PERMITS. No single-family dwelling or multiple family dwelling or commercial structure may be occupied by any person or party until an occupancy permit has been issued. An occupancy permit will be issued only after all inspections have been satisfactorily completed, all required fees associated with this ordinance paid, and all required terms of the ordinance have been met.

1.13 RIGHT OF ENTRY. The building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes, and may require the production of the permit for any building,

plumbing, electrical, or heating work. No person shall interfere with, or refuse access to any such premises, the building inspector while in the performance of his duties.

1.14 UNSAFE BUILDINGS. Whenever the building inspector finds any building or part thereof with the Town of Ellsworth to be, in his judgment, so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, unreasonable to repair or otherwise unfit for human habitation, occupancy, or use, shall order the owner to raze and remove such building or part thereof. If a building or part thereof can be made safe by repairs, the owner shall make it safe and sanitary. The owner shall perform the remedial action in a timely fashion at his own expense. Such order and proceedings shall be as provided in Wis. Stat. §66.0413.

1.15 PETITIONS FOR VARIANCE. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the proper jurisdiction. The Town Board has the authority to review only variances for Wisconsin Uniform Dwelling Code and Camping Units. The following procedures shall apply to such an appeal.

A. Application – Required information and fees.

The following items shall be submitted by property owners or their representatives when requesting a variance:

- a. clear and concise written statement of the specific provisions of the code for which a variance is requested, together with a statement of the procedures and materials to be used if the variance is granted.
- b. fee for processing the application. Such fees will be set from time to time by the Town Board.

B. Procedure. The Building Inspector shall review the application and forward his/her written recommendation and reasons to the Town Board. The Town Board within 10 business days after receipt of the application, shall make a recommendation to the Department of Safety and Professional Services whether the variance should be granted. To make this determination, the board will hear the variance application, visit the site, and shall transmit its minutes and decision in writing to the Town Clerk who shall forward the Town Board's recommendation to the Department of Safety and Professional Services within that 10 business day timeline. (see SPS 320.19 for variance procedures and timeline).

C. Findings. No appeal to the provisions of this chapter shall be recommended by the Town Board for granting unless the Town Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a. Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of this chapter.
- b. Exceptional circumstances. Applicant must state the reasons why compliance with the code cannot be attained without the variance. There must be exceptional, extraordinary or unusual circumstances or conditions present showing that compliance with the code cannot be attained without the variance, so that the granting of the variance will not be so general or recurrent in nature as to suggest that the chapter should be changed.
- c. Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of any variance.
- d. Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter of the public safety and interest.

1.16 PENALTIES. The enforcement of this section and all other laws and ordinances relating to WI State Building Codes shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

1.17 EFFECTIVE DATE. This ordinance shall replace Ordinance 2008-1 Town of Ellsworth Building Code Ordinance and be effective upon passage and publication as provided by law.

Adopted by the Town Board this 3rd day of May, 2021.

/s/ Roger Billeter
Roger Billeter, Chairperson

Attest:

Phyllis J Beastrom
Phyllis J Beastrom, Town Clerk

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Ordinance 2024-1 modifies and corrects Ordinance 2021-2 to include SPS 327 Camping Units. Municipalities that exercise jurisdiction over the construction and inspection of new dwellings shall exercise jurisdiction over the construction and inspection of camping units. Paragraph 1.15 was modified to remove the Commercial Building Code as only the Department of Safety Professional Services has variance authority in the Commercial Building code. The decision paragraph 1.15.5 was deleted and is incorporated in the Procedure paragraph.

Ordinance 2024-1 adopted March 4, 2024 and posted March 6, 2024.