

**ORDINANCE NO. 2001-01 (Amended 2008)**

**TOWN OF EL PASO BUILDING CODE ORDINANCE**

**STATE OF WISCONSIN  
Town of El Paso  
Pierce County**

Pursuant to Wisconsin Statutes Section 101.65, the Town Board of the Town of El Paso does hereby create a Building Code Ordinance for one and two family dwellings; public building and places of employment by adoption of Wisconsin Administrative Code chapters:

- UNIFORM DWELLING CODE:**
- COMM20 ADMINISTRATION & ENFORCEMENT
  - COMM21 CONSTRUCTION STANDARDS
  - COMM22 ENERGY CONSERVATION
  - COMM23 HEATING, VENTILATION AND AIR CONDITIONS
  - COMM24 ELECTRICAL STANDARDS
  - COMM25 PLUMBING

- FLAMMABLE MATERIALS:**
- COMM40 LIQUIFIED PETROLEUM GASES
  - COMM40 LIQUIFIED NATURAL GASES
  - COMM10 FLAMMABLE AND COMBUSTIBLE LIQUIDS

**1.0 ADMINISTRATION AND ENFORCEMENT OF THE BUILDING CODE**

**1.1 INTRODUCTION**

The Town of El Paso repeals any previous Building Code Ordinance and adopts in its place the following Ordinance pursuant to Wisconsin Statutes Section 101.65.

**1.2 ADOPTION OF WISCONSIN UNIFORM DWELLING CODE**

Chapter COMM22 of the Uniform Dwelling Code, Wisconsin Administrative Code, as adopted and effective December 1, 1978, and Chapters COMM 20, 21, 23, 24, 25, of the Uniform Dwelling Code, Wisconsin Administrative Code, as adopted and effective June 1, 1980 and all amendments thereto, are adopted and incorporated in this code by reference. A copy of the code is on file with the Town of El Paso and with the town building Inspector.

**1.3 APPLICATION TO EXISTING DWELLINGS AND RESIDENTIAL ACCESSORY BUILDINGS.**

Chapter COMM 20, 21, 22, 23, 24 and 25 are hereby adopted and shall apply to additions or alterations to existing dwellings and accessory buildings within the Town of El Paso.

**1.4 BUILDING INSPECTOR**

There is hereby created the position of Building Inspector, who shall administer and enforce this Ordinance.

1. **APPOINTMENT:** The Building Inspector shall be appointed and confirmed by the Town Board, and shall serve until removed by the Town Board.
2. **QUALIFICATIONS:** The Building Inspector shall have the necessary qualifications as stated in COMM 20.10 and be certified by the state in categories for which he is appointed.
3. **GENERAL POWERS AND DUTIES:** The Building Inspector shall administer and enforce all provisions of this code and UDC. The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the inspector while in the performance of the duties described herein.
4. **RECORDS:** The Building Inspector and Town Clerk shall keep a record of all permit applications issued, to be housed in the Town Office. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the state. The records shall also detail number, description, side, cost, materials used and the aggregate O.T. of all UDC construction. A record shall be kept of all condemned structures and their removal.
  - a. The Building Inspector shall have the power and the duty to see that the construction, reconstruction, alteration, repairs, removal and safety of buildings in the Town of El Paso conform with the laws of the State of Wisconsin, the orders, rules, and regulations drafted by the Division of safety and buildings of the Department of Commerce State of Wisconsin; and the Ordinances, Rules and Regulations of the Town of El Paso to make all inspections as required.

#### 1.5 REPEAL CONFLICTING ORDINANCES.

Any existing Ordinances pertaining to the construction of new dwellings or alterations of existing dwellings that conflict with the Uniform Dwelling Code are hereby repealed. All the Ordinances of parts of Ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### 1.6 BUILDING PERMIT REQUIRED.

1. No person shall excavate, build or cause to be built any new one or two-family dwelling, or any addition or alteration to an existing one or two-family dwelling, any swimming pool, accessory or other separate auxiliary building 200 square feet or larger of any type whatsoever without first obtaining a Town Building Permit for such dwellings, residential structures, etc. The Town shall furnish the building permit application. A copy of such permit shall be filed with the Town Building Inspector and the Pierce County Zoning Administrator.
2. Any contractor/builder/developer working within the Town of El Paso shall be required to provide proof of insurance with a minimum coverage of \$10,000.000 personal property/\$100,000.00 liability. Certificate of insurance shall be submitted with application.

## 1.7 APPLICATION AND PLANS.

1. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector. The appropriate building requirements of the Town, and where applicable, of the County or State, for the contemplated improvement shall be provided to permit applicant by the Building Inspector at or before the submission of an application for a building permit.
2. Plans and Drawings: The building permit applicant shall submit with the application two (2) complete sets of plans and specifications, including any removal, placement, or moving of earth, shrubs or trees. Also to be included in the plans is a plan of all final ground site work.
3. County Permits: The applicant must obtain any permits required by Pierce County and include copies of such permits with the building permit application.
4. Driveway Permits: The building permit applicant shall submit a driveway permit with the application, which shall be applied for and obtained from the Town Chairperson or designated representative prior to making application for a building permit.
5. Approval of Plans and issuance of Building Permit: If the Building Inspector determines that the proposed building, addition or alteration will comply in every respect with all the Ordinances of the Town and all applicable laws and regulations of the State of Wisconsin, and is not in violation of the Pierce County Subdivision Ordinance nor Extraterritorial zoning requirements where applicable, he/she shall conditionally approve the plans and issue a building permit, and such building permit shall also constitute a land use permit. After being approved, the plans and specifications shall not be altered in any respect which involve any of the above mentioned Ordinances, laws or regulations, or which involve the safety of the building or occupants. One copy of the approved plans shall be returned to the applicant.
6. State Uniform Dwelling Code Seal: For one or two-family dwellings at such time a building permit is issued, it shall have affixed to it a State of Wisconsin Uniform Dwelling Code Seal.

## 1.8 ISSUANCE OF PERMIT

If the Building inspector determines that the building plans in every respect comply with local ordinances and the UDC, a permit shall be issued. After being approved, the building plans, site plans, and specifications shall not be changed, except with the approval of the Building Inspector, and the El Paso Planning Board if that Board had originally approved same. The issued building permit shall be posed in a conspicuous place at the building site and be visible from the public access.

*Pposed*  
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1. Permit Lapse: The building permit shall expire two years after issuance if the new dwelling's exterior has not been completed, or one year for all other permits.
2. Occupancy Permit:

- a. The Town of El Paso shall issue Occupancy Permits when all inspections shall have been satisfactorily completed, all required fees shall have been paid and all required terms of this Building code Ordinance shall have been set.
- b. No single or multiple family dwelling may be occupied by any person or party until an Occupancy Permit has been issued.

#### **1.9 DISAPPROVAL OF PLANS AND DENIAL OF PERMIT**

If the Building Inspector determines that the building permit application or plans do not conform to the provisions of the applicable codes or ordinances, or other requirements, approval shall be denied.

1. Denial of Application: A copy of the denied applications, accompanied by a written statement specifying the reasons for the denial, shall be sent to the applicant and to the owner as specified on the application.
2. Appeals: The applicant may appeal a denial of an application to the Town Board.
3. Time of Permit Issuance: Action to approve or deny a building permit application shall be completed within ten (10) business days of receipt of all the forms, fees, plans, and documents required to process the application, unless action by the Town of El Paso Board is necessary.
4. Action on these permits will be at the next scheduled meeting.

#### **2.0 PERMIT FEES**

The building permit fees shall be set by the Town Board and may be changed from time to time.

1. Fees: Fees shall be submitted to the Town Treasurer at the time the application is filed. The Town Board shall set fees for plan examination, inspection, driveway permit, culvert, house number, and variance application.
2. Minor Repairs:
  - a. Minor repairs costing less than \$10,000.00 which do not change occupancy area, structural strength, fire protection, exits, natural light or ventilation do not require a building permit. The Building Inspector will determine what constitutes a repair.
  - b. Replacement or repair of roofing and siding may be done without a permit.

#### **2.1 COMPLIANCE WITH THE BUILDING PERMIT**

All construction must comply with the building permit and the plans submitted with the building permit application. Any construction, which is not authorized on the building permit, blue print or site plan, or is not listed on the building permit

application, is a violation of the permit and subject to the violations and penalties in Section 2.3.

## **2.2 UNSAFE BUILDINGS**

If a residential or residential accessory building is so old, non habitable, or dilapidated and so out of repair as to be dangerous, unsafe or unsanitary or so that it would be unreasonable to repair, the Building Inspector shall order the owner to raze or remove the building at the owner's expense. Such order will be issued pursuant to Wisconsin Statutes Section 66.05.

## **2.3 VIOLATIONS AND PENALTIES**

When the Building Inspector cites violations with this code or the UDC, the violations shall be promptly corrected. All written violations shall be corrected within 30 days unless an extension of time is granted pursuant to SS COMM of the UDC.

1. **Stop Order:** If written violations are not corrected within 30 days, the Building Inspector shall issue a stop order to the owner. The stop order shall be posted at the construction site. Upon issuance of a Stop Order, all construction on the site shall cease except for the construction necessary to correct the violation. The Stop Order shall be posted on the building permit and on the building.
2. **Penalties:**
  - a. Any person, firm, corporation, including property owner, contractor, or construction worker in violation of this code or the UDC shall upon conviction, be subject to a forfeiture of not less than \$25 or more than \$500 together with the cost of the prosecution. Each day that such violation continues will constitute a separate offense. If any violator is in default of payment of such forfeiture and the cost, he/she shall be imprisoned in the County Jail until payments of such forfeiture and costs, but not exceeding thirty (30) days for each violation. In any such action, the fact that any permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Town officials constitute a defense.
  - b. The Building Permit fee for a building permit for work begun without a permit shall be double the regular permit fee.
  - c. The act of applying for a building permit constitutes consent to the issuance of any injunctive needed to enforce a stop work order.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and/or injunctive action.

## **2.4 REVOCATION**

If the Building Inspector finds at any time that the provisions of this chapter are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction which has been issued to him/her, he/she shall revoke

the building, electrical or plumbing permit by written notice posted at the site of the work.

When any permit is revoked, no further work shall be done until the permit is reissued, except such work as the Building Inspector may order as a condition precedent to the re-issuance of the permit or as he/she may require for the preservation of human life and safety.

## 2.5 INSPECTIONS

All inspections, for the purpose of administering and enforcing the UDC and Town Building Code, shall be performed by a certified inspector who shall conduct inspections according to the respective codes being applied and enforced.

1. Notification: Building shall notify inspector of all inspections required by the UDC 20.10 48 hours in advance.
2. Witness to Inspection: It is required and recommended that a representative of the developer, contractor, builder or owner be present at each required inspection. It shall be the responsibility of the developer, contractor, building, or owner to coordinate the inspection times and duties with the Building Inspector.
3. Re-Inspection: Any re-inspection necessary due to incomplete work or non-complying conditions shall require an additional fee of \$25.00 per inspection to be paid in full prior to the issuance of the occupancy permit.
4. Disclaimer on Inspections: The purpose of the inspections under the ordinance is to improve the quality of housing in the Town of El Paso. 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, the following disclaimer shall be applicable to all inspections "these findings of inspections 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."

## 2.6 VARIANCES

1. Application: Property owners or their representative may apply for an individual variance from the UDC through the Department of Commerce or Town Building Code through the town board on an application filed with the Building Inspector and on forms provided by the Building Inspector.
2. Required Information and Fee: the following items shall be submitted when requesting a variance:

- a. 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. A fee for processing the application, the amount of which is set forth in the Fees and Penalties section of this ordinance.
- c. The Building Inspector shall forward the application together with his/her written recommendation and the reasons therefore to the Board of Appeals.

## **2.7 FINDINGS**

The Board of Appeals shall grant no appeal to the provisions of this Ordinance unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate such in the minutes of the proceedings.

1. **Preservations of Intent:** No appeal shall be granted that is not consistent with the purpose and intent of this ordinance.
2. **Exceptional Circumstances:** There must be exceptional, extraordinary or unusual circumstances or conditions present constituting hardship so that the granting of the appeal will not be as so general or recurrent in nature as to suggest that the Ordinance should be changed.
3. **Hardship:** No appeal 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 an appeal.
4. **Absence of Detriment:** No appeal 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 Ordinance or the public safety and interest.
5. **Decision:** The Board of Appeals shall transmit their meeting minutes and decisions in writing to the Town Clerk within seven (7) days of the hearing.
6. **Review by the Court of Record:** Any persons aggrieved by any decision of the Town Board may present to the Court of Record a petition duly verified, setting forth an allegation that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after filing of the decision with the Town Clerk.

## **2.8 SETBACK REQUIREMENTS**

Minimum setbacks are as per Pierce County Zoning Ordinance.

## **2.9 SWIMMING POOL REQUIREMENTS**

1. **Permit Required:** A permit shall be required for any swimming pool with a capacity of 5,000 or more gallons.
2. **Application:** An application for a building permit shall show:

- a. Type and size of pool
  - b. Site plan to include:
    - 1. Location of pool
    - 2. Location of house, garage, fencing, well, drain field, septic tank on lot
    - 3. Location of filter unit, pump and wiring (involving location).
    - 4. Location of back flush and drainage outlets
    - 5. Grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool.
    - 6. Location of existing overhead or underground wiring, utility easements, trees and similar features
3. In Single-Family and Two-Family Districts.
- a. Pools for which a permit is required shall not be located within 25 feet of any side or rear lot liner nor within 25 feet of any principal structure or frost footing. Pools shall not be located within any required front yard, or within 15 feet of a septic tank or 25 feet of the well.
  - b. Pools shall not be located beneath overhead utility lines nor over underground utility lines or any type. *of*
  - c. Pools shall not be located in or on any easement of any private or public utility, walkway, drainage area or other easement.
  - d. For in-ground pools, precautions shall be taken during the construction period to:
    - 1. Avoid damage, hazards or inconvenience to adjacent or nearby property.
    - 2. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or any other infringement onto adjacent property.
  - e. To the extent feasible, back flush water or water from pool drainage shall be discharged on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land without written permission of owner thereof.
  - f. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure or shall be enclosed in a sound restrictive enclosure, not closer than 24 feet to any lot line.
  - g. Lighting for the pool shall be directed into or onto the pool and not onto adjacent property.
  - h. A non-climbable safety fence of at least 4 feet in height from grade shall completely enclose the pool.



- i. Required safety fencing shall be installed immediately upon completion of the pool.
- j. Water in the pool shall be maintained in a suitable manner to avoid health hazards.
- k. All wiring, lighting, installation of heating unit, grading, installation of pipes, and all other installations and construction shall be subject to inspection by the Building Inspector.
- l. There shall be no nuisance such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, etc.
- m. Drainage of pools into public street public roads, or other public drainage ways shall require permission of the Town chairperson.

### 3.0 DEFINITIONS

- 1. Building: As used in the Section shall include but not limited to having a roof supported by columns of walls used or intended to be used for the shelter or enclosure of person animals, equipment, machinery, material or any type of vehicles or semi-tractor trailers. <sup>be</sup>
- 2. Dwelling: As used in this Section shall include <sup>? but</sup> ~~by~~ not limited to a building or section of a building or other residential structure devoted to the shelter of one (1) family or a detached building containing two (2) separate dwelling or living units designated for occupancy by not more than two (2) families. <sup>be</sup>
- 3. Structure: As used in this Section shall include but not be limited to any mechanical erection or construction, such as a building towers, masts, poles, decks, booms, signs, decoration, car-ports, machinery and equipment.
- 4. Swimming Pool: As used in this Section shall include but not limited to all swimming pools, (both above ground and in ground) spas, hot tubs, that require ground to be broken and/or excavation for their installation, or that exceed 5,000 gallons. <sup>be</sup>
- 5. UDC: Abbreviation for UNIFORM DWELLING CODE.
- 6. COMM: Abbreviation for Department of Commerce, State of Wisconsin
- 7. Residential Accessory Structure: A non-dwelling structure that is accessory to a residential use on the same lot.

### 3.1 NO MUNICIPAL LIABILITY

This Ordinance shall not be construed as creating or assuming any liability on the part of the Town of its Officials for damages to anyone injured or any property damaged or destroyed by any defect in any building or equipment, or plumbing, electric wiring or equipment, or any flammable materials, equipment or devices.

**3.2 SEVERABILITY**

If any section, clause provision, or portion of this Ordinance or Wisconsin Administrative Code Chapters is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

**4.0 MINIMUM LOT SIZE**

All newly created lots or parcels shall not be less than two (2) acres. No more than one dwelling shall be erected or maintained on any tax parcel number.

**5.0 EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication.

Dated this 11<sup>th</sup> day of December, 2000

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Lester Heise, Chairperson

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Ronald Kannel, Supervisor

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James Jennings, Supervisor

Attest:

\_\_\_\_\_  
Lloyd Yanisch, Clerk

AMENDMENT: Dated this 13<sup>th</sup> day of October, 2008

*Ronald Kannel*  
\_\_\_\_\_  
Ronald Kannel, Chairperson

*Dan Fischer*  
\_\_\_\_\_  
Dan Fischer, Supervisor

*Ron Foley*  
\_\_\_\_\_  
Ron Foley, Supervisor

Attest:

*Crystal Kalkreuth*  
\_\_\_\_\_

Crystal Raleigh, Clerk