

ORDINANCE NO. 2004-1

**TOWN OF SALEM
ORDINANCE FOR THE ADOPTION OF THE WISCONSIN
UNIFORM DWELLING CODE**

1.1 AUTHORITY. This ordinance is adopted pursuant to the authority under Wisconsin Statutes 101.65.

1.2 PURPOSE. The purpose of this ordinance is to promote the general health, safety and welfare of town residents, to protect property values, and to promote the uniformity of construction standards by regulating construction of and additions or alterations to one- and two-family dwellings.

1.3 ADOPTION OF CODES BY REFERENCE.

- A. The Uniform Dwelling Code, Wisconsin Administrative Code Chapters Comm 20 to 25, and all amendments thereto are adopted and incorporated in this chapter by reference and shall apply to all buildings within the scope of this chapter. A copy of the code is on file with the Town of Salem and the Town Building Inspector.
- B. Adoption of Plumbing, Electrical Codes, and Heating and Ventilating Codes. Chapters COMM 82 to 84, Plumbing Code, Wisconsin Administrative Code, Chapter COMM 16, Electrical Code, Wisconsin Administrative Code; Chapters COMM 50-64 of the Building and Heating, Ventilating and Air Conditioning Code, Wisconsin Administrative Code, as adopted and effective December 2, 1974; and all amendments thereto in effect on the date of the adoption of this chapter are hereby adopted and made part of this chapter by reference and are applicable to all those classes of building to which said codes apply. Copies of said codes are available online and in the office of the Town Building Inspector.

1.4 EXISTING DWELLINGS.

Chapters COMM 20 –25 are hereby adopted and shall apply to additions or alterations to existing dwellings within the Town of Salem in addition to construction of new dwellings.

1.5 BUILDING INSPECTOR.

- A. There is hereby created the position of Building Inspector, who shall administer and enforce this chapter and who shall be certified by the Department of Commerce as specified by W.S.A. s. 101.66(2). The Town Board shall make this appointment.

- B. The Building Inspector shall have the power and duty to see that the construction, reconstruction, alteration of swellings in the Town of Salem conform to the laws of the State of Wisconsin, the orders, rules and regulations laid down by the Department of Commerce of the State of Wisconsin and the ordinances, rules and regulations of the Town of Salem and Pierce County and to make all inspections as required.

1.6 BUILDING PERMIT REQUIRED.

No person shall 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, without first obtaining a state uniform building permit or a town building permit for such dwelling, structure, etc., as determined by the Building inspector.

1.7 DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING – Includes but is not limited to a structure having a roof supported by columns or walls used or intended to be used for the shelter for enclosure of persons, animals, equipment, machinery, materials or any type of vehicles or semi-tractor-trailers.

BUILDING INSPECTOR – The Building Inspector of the Town of Salem unless indicated otherwise in this chapter.

DWELLING – Includes but is not limited to a building or sections of a building or other residential structure devoted to the shelter of one family or a detached building containing two separate dwelling (or living) units designated for occupancy by not more than two families.

HE – is used for simplicity and is not meant to specify gender.

STRUCTURE – Includes but is not limited to erection or construction such as a building, towers, masts, poles, decks, booms, signs, permanent decoration, carports, stationary machinery and equipment and sight barriers.

SWIMMING POOL – Includes but is not limited to all swimming pools (both aboveground and in-ground), spas and hot tubs that require ground to be broken and/or excavation for their installation and/or those that exceed 5,000 gallons.

UDC – Uniform Dwelling Code.

1.8 FEES; VIOLATIONS AND PENALTIES.

- A. Fees. The building permit fees shall be set by resolution of the Town Board and may be changed from time to time.
- B. Penalties.
1. The fee will be doubled if construction is started prior to issuance of a permit.

2. The enforcement of this chapter 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. Any person, firm or corporation violating any provision of this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$500 and the costs of prosecution. Each day the violation continues after written notice is delivered to the occupant, owner (as designated on any permit application submitted to the town) or construction person apparently in charge on the site shall constitute a separate violation.

1.9 APPLICATION PROCESS; ISSUANCE OF PERMIT.

- A. 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 the state for the contemplated improvement, shall be provided to the permit applicant by the Building Inspector at or before the submission of an application for a building permit.
- B. Plans and drawings. The building permit applicant shall submit with the application two complete sets of site plans and specifications, one set of blueprints and an erosion control plan, if needed. 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 or repairs, provided that the cost of such work does not exceed \$12,000.
- C. County permits. The applicant must obtain any permits required by Pierce County and include copies of such permits with the building permit application, including a county driveway permit, if necessary.
- D. Driveway permits. The building permit applicant shall submit with the application a driveway permit, which shall be applied for and obtained from the Town Board for town roads or private roads. All other driveway permits are issued by the county. Town of Salem Driveway Permit fee shall be \$100.00
- E. 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 or any applicable Town ordinance, he shall conditionally approve the plans and issue a building permit which shall be valid for 12 months. After being approved, the plans and specifications shall not be altered in any respect, which involves any of the above-mentioned ordinances, laws or regulations or which involves the safety of the building or occupants. One copy of the approved plan shall be returned to the applicant. One copy shall be retained by the town.

- F. State Uniform Dwelling Code seal. At such time as a building permit is issued for one- or two-family dwellings, it shall have affixed to it a State of Wisconsin Uniform Dwelling Code seal.
- G. Fees. Fees shall be submitted to the Building Inspector at the time the application is filed. Fees for plan examination; inspection, driveway permit, culver, house number, variance application and issuance of the building permit shall be set by the Town Board.

1.10 EXCEPTIONS.

- A. Minor repairs or alterations which cost less than \$12,000 and which do not change occupancy area, structural strength, fire protection, exits, natural light or ventilation do not require a permit. Repairs or alterations that change any one of the above items require a permit. Repairs and alterations costing more than \$12,000 require a permit.
- B. Construction of garages or pole sheds, replacement or repair of roofing, siding, replacement of doors, may be done without a permit.
- C. Landscaping, not including decks, may be done without a permit.

1.11 DISAPPROVAL OF PLANS AND DENIAL OF PERMIT.

- A. 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.
- B. Denial of application. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or to the owner as specified on the application.
- C. Stamping of plans. Plans and specifications, which do not substantially conform to the provisions of the Building Code, shall be stamped "Not Approved". One copy shall be returned to the applicant and one copy retained by the town.
- D. Appeals. The applicant may appeal a denial of an application to the Town Board.

1.12 TIME LIMIT FOR ACTION ON APPLICATION; POSTING OF PERMIT.

- A. Time for permit issuance. Action to approve or deny a building permit application shall be completed within 10 business days of receipt of all of the forms, fees, plans and documents required to process the application.

- B. Posting of permit. The building permit and other permits required by the town, county, state or other municipalities shall be posted in a conspicuous place at the building site and within view of the adjacent roadway.

1.13 COMPLIANCE WITH 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, blueprint, site plan, or plans, or is not listed on the building permit application, is a violation of the permit and subject to the violations and penalties established in this ordinance.

1.14 REVOCATION OF PERMIT.

- A. 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 has been issued to him, he shall revoke the building permit by written notice posted at the site of the work.
- B. 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 may require for the preservation of human life and safety.

1.15 LAPSE OF PERMIT.

A building permit shall lapse and be void unless construction under the permit is commenced within six months from the date of issuance thereof. The building permit shall lapse and be void if the permit purpose has not been fully completed within 12 months from the date of issuance of the permit. Once a permit has lapsed, no further work shall be performed under such lapsed permit until such time as a new permit has been issued.

1.16. INSPECTIONS.

- A. 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.
- B. Notification. The builder shall give the Building Inspector, for all inspections required by UDC Chapter 20.10, 48 hours notice as per UDC.
- C. Witness to inspection. It is 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, builder or owner to coordinate inspection times and dates with the Building Inspector.

- D. Re-inspections. Any re-inspections necessary due to incomplete work or non-complying conditions shall be subject to an additional fee per inspection to be paid in full prior to the issuance of the occupancy permit.

1.17 VARIANCES.

- A. Application. Property owners or their representatives may apply for an individual variance from the UDC on an application filed with the Town Clerk.
- B. Required information and fees. The following items shall be submitted by property owners or their representatives when requesting a variance;
 - 1. 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.
 - 2. A fee for processing the application. Such fees will be set from time to time by the Town Board.
- C. Procedure. The Building Inspector shall review the application and forward his written recommendation and reasons to the Town Board. The Town Board will then hear the variance application and recommend to the Department of Commerce whether the variance should be granted.
- D. Findings. No appeal to the provisions of this chapter shall be granted by the Town Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings
 - 1. Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of this chapter.
 - 2. Exceptional circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions present 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.
 - 3. 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.
 - 4. 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 or the public safety and interest.
- E. Decision. The Town Board shall transmit its meeting minutes and decisions, in writing, to the Town Clerk within seven days of the hearing.

1.18 UNSAFE BUILDINGS.

Whenever the Building Inspector finds any building or part thereof within the town 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, he 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 may make it safe and sanitary or raze it at his own option and expense. Such order and proceedings shall be as provided in W.S.A s. 66.05.

1.19 ENFORCEMENT; RIGHT OF ENTRY.

- A. Except where otherwise provided in this code, the Building Inspector shall have the general management and control of all matters pertaining to building inspection and shall enforce all state laws, town ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of building and other structures, dwellings, public building and places of employment in the Town of Salem.
- B. The Building Inspector shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection and to require the production of the permit for any building work being done or the required license. No person shall interfere with or refuse to permit access to any such premises to the above-described representatives of the town while in the performance of their duties. Any person who shall willfully or knowingly resist or obstruct the inspector in the performance of his duty shall be guilty of a violation of this chapter.

1.20 RECORDS AND REPORTS.

- A. The Building Inspector shall maintain a record of all permits issued which shall be kept on file.
- B. The Building Inspector shall make monthly, or as requested by the board, a written report to the Town Board of all permits issued, violations noted and fees collected.

1.21 OCCUPANCY PERMITS.

The Town of Salem or town designee shall issue occupancy permit.

- A. All inspections shall have been satisfactorily completed, the well construction report shall have been received, all required fees shall have been paid and all required terms of this Building Code shall have been met before an occupancy permit will be issued.

B. No single- or multiple-family dwelling may be occupied by any person or party until an occupancy permit has been issued.

C. A penalty of \$100 per day will be charged if a dwelling is occupied prior to issuance of an occupancy permit.

1.22 NON-LIABILITY OF TOWN.

This ordinance shall not be construed as creating or assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment in any plumbing or electric wiring or equipment.

1.23 SEVERABILITY.

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

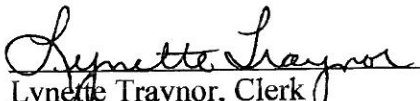
1.24 EFFECTIVE DATED.

This ordinance shall be effective upon passage and publication as provided by law.

Adopted this 14th day of December, 2004


Paul Shingledecker, Chair

Attest:


Lynette Traynor, Clerk

Posted 3 Places In Town Of Salem
December 22, 2004