

**ORDINANCE # 2017-001  
TOWN OF SPRING LAKE  
BUILDING CODE ORDINANCE**

**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 new buildings and additions or alterations to one- and two-family dwellings and Commercial Buildings.

**1.3. SCOPE.**

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one-and two-family dwellings built before June 1, 1980 and residential accessory structures. Because such projects are not under state jurisdiction, petitions for variance and final appeals under s. SPS 320.19 and 320.21, respectively, shall be decided by municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 so that equivalency is maintained to intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstance by precedent

**1.4. ADOPTION OF CODES BY REFERENCE.**

A. The Uniform Dwelling Code, Wisconsin Administrative Code Chapters SPS 320 to 325, 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 and / or the Town Building Inspector.

B. Adoption of Plumbing, Electrical Codes, and Heating and Ventilating Codes. Chapters SPS 381 to 387, Plumbing Code, Wisconsin Administrative Code, Chapter SPS 316, Electrical Code, Wisconsin Administrative Code; Wisconsin SPS 360-366 of the Wisconsin Commercial Building Code, 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 buildings to which said codes apply. Copies of said codes are available online and in the office of the Town Building Inspector.

**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 Wisconsin Department of Safety and Professional Services as specified by W.S.A. s.101.66(2). Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electric, UDC Plumbing, UDC Construction, and Commercial Building Inspector. The Town Board shall make appointment.



B. The Building Inspector shall have the power and duty to see that the construction, reconstruction, alteration, of dwellings and Commercial buildings in the Town conform to the laws of the State of Wisconsin, the orders, rules and regulations laid down by the Department Safety and Professional Services of the State of Wisconsin and the ordinances, rules and regulations of the Town and 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, or swimming pool, or accessory structure over 200 ft<sup>2</sup>, or any structure that requires electrical, plumbing, or structural footings or supports, or commercial or industrial building without first obtaining a state uniform building permit or a town building permit for such dwelling, structure, commercial building, etc., as determined by the Building Inspector.

#### **1.7. 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 and shall include \$35.00 to be forwarded to the Wisconsin Department of Safety & Buildings for the UDC permit seal that shall be assigned to any new dwelling.

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.

#### **1.8. Application process; issuance of permit.**

A. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector with 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.

C. County permits. The applicant must obtain any permits required by the 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 or designated agent for town roads and private roads. The county issues all other driveway permits



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 County Subdivision Ordinance or any applicable Town ordinance, he shall conditionally approve the plans and issue a building permit which shall be valid for 24 months. After being approved, the plans and specifications shall not be altered in any respect that 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. The town shall retain one copy.

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, culvert, house number, variance application and issuance of the building permit shall be set by the Town Board.

H. 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 or repairs, provided that the cost of such work does not exceed \$5,000.

#### **1.9. Exceptions.**

A. Minor repairs or alterations which cost less than \$5,000 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 \$5,000 require a permit.

B. Replacement or repair of roofing, siding, replacement of doors and windows of same size, may be done without a permit.

C. Landscaping, not including decks, may be done without a permit.

#### **1.10. 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.



#### **1.11. 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 processing 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.

#### **1.12. Compliance with permit.**

All construction must comply with the building permit and the plans submitted with the building permit application. Any construction that 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.

#### **1.13. 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.

#### **1.14. 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 24 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.

#### **1.15. Inspections.**

A. All inspections for the purpose of administering and enforcing the UDC and Town Building Code ordinance 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 SPS 320.10, 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.

#### **1.16. 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 buildings and other structures, dwellings, public buildings and places of employment in the Town.

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.

#### **1.17. 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 a monthly and annual written report to the Town Board of all permits issued, violations noted and fees collected.

#### **1.18. Occupancy Permits**

The Town of Spring Lake shall issue occupancy permits.

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 will be charged if a dwelling is occupied prior to issuance of an occupancy permit.

#### **1.20. Road Damage Security Deposit.**

All applicants for building permits shall be required to post a \$500.00 damage deposit to protect the town from road damage caused by the contemplated construction. If no road damage occurs during construction, the damage deposit will be refunded. If damage occurs, the expense of repairs shall be deducted from the damage deposit, and the balance refunded. If the damage deposit is not sufficient to pay for the road damages caused by the construction, the property owner shall be liable to the town for the excess, which shall be a lien on the owner's property, collectable in the manner provided by law.



**1.21. 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.

**1.22. 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.

EFFECTIVE DATE. This ordinance shall replace Ordinance #08-003 and be effective March 1, 2017 upon passage and publication as provided by law.

Adopted this 14<sup>th</sup>, day of February, 2017.

Richard Johnson

Chairman, Richard Johnson

Tim Anderson

Supervisor, Tim Anderson

Mike R. Jacobson

Supervisor, Mike Jacobson

Attest: Donna F. Borgschatz

Donna Borgschatz, Clerk

Posted Feb. 23, 2017