

**TOWN OF LIBERTY GROVE
ORDINANCE 3-16
BUILDING CODE, PERMIT, INSPECTION FEES, AND COMMERCIAL PLAN REVIEW**

Section 1

All previous building permit ordinances and amendments for the Town of Liberty Grove, hereafter referred to as Town, are hereby rescinded, to be replaced by this ordinance.

Section 2 Authority

These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.76, and 101.761 of the Wisconsin Statutes (and by the Town's adoption of village powers under Section 60.10(2)©, 60.22(3), 61.34(1) of the Wisconsin Statutes.

Section 3 Purpose

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

Section 4 Definitions

As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

- a. **ADDITION.** Means any new construction whereby an existing building or structure, or building or structure in course of construction, is increased in area or cubical content.
- b. **ALTERATION.** Means any change, addition, modification, or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
- c. **BUILDING.** Means any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
- d. **BUILDING AREA.** Means the area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
- e. **BUILDING INSPECTOR.** Means the individual(s) or firm appointed by the Town to exercise all of the powers and duties of a building inspector under Wisconsin law.
- f. **CONSTRUCTION.** Means any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- g. **CONTRACTOR.** Means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies and or materials.
- h. **DEMOLITION.** Means the activity of completely or partially destroying a previously erected or constructed building.
- i. **ELECTRICAL.** Means the trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
- j. **GARAGE, PRIVATE.** Means one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.
- k. **GARAGE, PUBLIC.** Means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold or stored for monetary gain as a business.

- l. HVAC. Means an acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- m. OCCUPANCY. Means the act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
- n. OWNER. Means the individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- o. PLUMBING. Means the trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- p. REPAIRS. Means that repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
- q. STOP WORK ORDER. Means a directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.
- r. STRUCTURE. Means anything other than a building which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever. It includes fair, carnival and festival open structures; fire escape, stairway, or chute escapes and railings; fences and railings; open air observation, water tank and other towers; traveling cranes, hoists
- s. WORKMANLIKE MANNER. Means work of such character so as to meet manufacturer's specifications, accepted national standards or recognized trade practices, and to provide a durable result as intended to insure public safety, health and welfare insofar as they are affected by building construction, use and occupancy.

Section 5 Scope

This Code applies to all 1 & 2 family dwellings, commercial buildings/structures, swimming pools, decks, residential accessory buildings and agricultural buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

Section 6 Permit Required: No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

- 1) The construction which shall require a building permit includes, but is not limited to:
 - a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
 - b) Additions that increase the physical dimensions of a building including decks.
 - c) Alterations to the building structure where the reported cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - d) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in 3) b) below.
 - e) Any electrical wiring for new construction or remodeling.
 - f) Any HVAC for new construction or remodeling.
 - g) Any plumbing for new construction or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.
 - i) Any moving or relocating of structures including site work and applicable foundation system.
 - j) Any work on subterranean structures, footings, foundations or retention walls
- 3) The following construction activities shall not require a building permit:
 - a) Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations may be requested by the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
 - b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, dimmers and fixtures.

Section 7 Adoption of Codes

- 1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Town and shall be enforced by the Building Inspector.

Ch. SPS 305	Credentials
Chs. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Chs. SPS 361-366	Commercial Building Code
Ch. SPS 375-79	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code
- 2) Any local building codes or requirement other than those contained herein are repealed.

Section 8 Scope of Uniform Dwelling Code Expanded.

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- 1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- 2) Detached accessory buildings greater than 200 sq.ft. serving one and two family dwellings.
 - a) Frost Protection for Footings and Foundations
 1. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab.
 2. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than forty-eight (48) inches below grade per SPS 321.
- 3) Detached accessory buildings less than 200 square feet in size, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow (2) above and/or SPS 321. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood per SPS 321.10.

Section 9 Delegated Municipality Status

- 1) **Delegated Municipality.** The Town has adopted the Delegated Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - a) **Responsibilities.** The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
 - b) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the town shall be submitted, if the plans are for any of the following:
 1. A new building or structure.
 2. An addition to a building or structure.
 3. An alteration of a building space, element, or structure.
 4. A certified or delegated municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 5. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
 - c) **Plan Submission Procedures.** All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:
 1. Building permit application
 2. Application for review – State of Wisconsin SBD-118 or Municipal Equivalent.
 - a. Fees per municipal fee schedule
 - b. Fees apply to all commercial projects
 3. 4 sets of plans

- a. Signed and sealed per SPS 361.31
- b. (1) set of specifications
- c. Component and system plans
- d. Calculations showing code compliance

Section 10 Authority and Enforcement

- 1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Town Board. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code.
- 2) Assistants. The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code, by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.122, Stats.
- 5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
 - a) Footing
 - b) Foundation
 - c) Backfill
 - d) Rough Carpentry, HVAC, Electric and Plumbing
 - e) Drain tile/Basement Floor
 - f) Underfloor Plumbing
 - g) Electric Service
 - h) Insulation
 - i) Final Carpentry, HVAC, Electric & Plumbing
 - j) Erosion Control
 - k) Final Occupancy
- 6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- 7) The permit holder or the permit holder's representative shall notify the inspector when the stages of construction are reached that require an inspection. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative. If upon any inspection it is found that a required inspection cannot be made because work to be inspected has been covered or concealed, the permit holder or agent shall uncover the work, as directed by the commissioner, and no approval of covered or concealed work shall be given until the required inspection can be made and the work complies with the applicable regulations of this code.
- 8) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner, contractor or their authorized representative to request any inspection, will be the responsibility of the contractor and/or property owner.
- 9) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 3-16. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

Section 11 Submission of Plans

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, a plat of survey stamped by a surveyor licensed by the State of Wisconsin, drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit

plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

Section 12 Issuance of Permit

- 1) The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years.
- 2) Permit extensions: A permit extension shall be defined as a 6 month continuation of the original building permit, and shall:
 - a. Be granted if completion of construction work is anticipated within a 6 month period.
 - b. Commence on the day immediately following expiration of either of: the original permit; a previous permit extension; a previous permit renewal.
 - c. Be valid for a period of 6 months
 - d. Be limited to a total of two extensions, running concurrently for a total period of one year.
- 3) Permit extension fees shall be the established minimum permit fees in effect at the time of extension application, per permit issued.
- 4) Permit renewal: A permit renewal shall be defined as a 2 year continuation of a building permit and shall:
 - a. Commence on the day following expiration of either: the original permit; a previous permit extension; a previous permit renewal.
 - b. Be valid for a period of 2 years.
 - c. Be limited to a total of two 2-year periods
- 5) Permit renewal fees per permit issued (based on the fee schedule in effect at time of renewal):
 - a. If no work has been done and no inspections have been performed and passed: \$50.00
 - b. If inspections have been performed and passed through "foundation backfill"(no rough inspections): 80% of new permit fee.
 - c. If all rough inspections have been performed and passed (no insulation or finals): 50% of new permit fee.
 - d. If only final inspection remains: 20% of new permit fee.
- 6) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
- 7) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- 8) No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.
- 9) No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.
- 10) It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

Section 13 Completion Deposit Required

A deposit of \$400.00 is required for all projects whose total cost, including labor, materials and supplies, will equal or exceed \$15,000.00. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection and the issuance of an occupancy permit, or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

Section 14 Occupancy Permit

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

Section 15 Unsafe Buildings and Safety During Construction

- 1) Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall recommend to the Town Board an order be sent to the

owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.05(5), Wis. Stats.

- 2) Whenever the construction of any building, structure, equipment, or additions thereto, or alterations, or repairs thereto, or removal, or demolition thereof is being done contrary to the regulations of this code, the conditions of a certificate of appropriateness issued pursuant thereto, the conditions of conditional use or zoning approval pursuant thereto, or is being done in an unsafe or dangerous manner, or not in accordance with the approved plans, specifications, and data, or with the terms of the permit granted therefor, the inspector shall post a placard on the premises notify the owner, contractor and all other available and applicable parties of the issues and proceed to recommend to the Town Board that an order be sent such work to be stopped at once and thereafter confirm such order by a written order served on the owner of the premises and on the person engaged in doing or causing such work to be done, and any such persons shall immediately stop all such work until satisfactory evidence is presented to the inspector and municipality that all of the provisions of the permit, this code, conditions of a certificate of appropriateness issued pursuant thereto, all applicable zoning approvals, Wisconsin Administrative Code, all other lawful orders of the Wisconsin department of safety and professional services and other laws and ordinances applicable thereto will be complied with, at which time work can again be resumed providing authority is procured from the inspector to recommence with the work.
- 3) When in the judgment of the inspector of a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse, or the property is unsafe to the public or users of the property the inspector may order the owner or agent to immediately provide temporary safeguards, for the protection of the general public and upon installation of such safeguards, may permit the occupancy or use of the building, structure or property to continue or resume on a limited basis as directed by the inspector.
- 4) FENCES. Every construction operation, including excavations, when located 10 feet or less from the street line shall be enclosed with close board or other approved fences not less than 4 feet high, and when located more than 10 feet from the street line, a fence shall be erected when required by the building inspector.

Section 16

Razing and Demolition

- 1) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.
- 2) Application. An application for a permit to demolish all or part of a building shall include the following information:
 - a) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - b) The name, address and telephone number of the contractor(s) performing the demolition work;
 - c) The date upon which demolition is to commence;
 - d) The date by which demolition shall be complete;
 - e) A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 706, Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Sec. NR 445, Wisconsin Administrative Code), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - f) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
 - g) A description of the method of demolition to be used; and
 - h) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - i) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- 3) Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

- 4) Clearing and Leveling The Site.
 - a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.
 - b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.
 - c) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the 72 hours after written notice, the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves the filling of the excavation. Said opinion shall be deemed a sufficient approval the Town provided that written copy of the opinion is delivered to the Administrator at least 48 hours before filling of the excavation commences.
- 5) Removal and Disposal. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

Section 17

Moving Buildings

- 1) General. No person shall move any building or structure upon any of the public right-of-ways of the Town without first obtaining permit therefore from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. This section does not apply to manufactured homes per the Federal Fair Housing Act.
- 2) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the Town. Furthermore, if the equalized assessed value of the building is not within 20% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 20% of the lowest equalized value of any of the surrounding buildings.
- 3) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- 4) Street Repair/Inspection. Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Administrator on an inspection of the route the building will travel within the Town limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Administrator, inspect the streets and highways over which said building has been moved and ascertain the condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.
- 5) Conformance With Code. No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.