

## Chapter 189

### BUILDING CONSTRUCTION

[HISTORY: Adopted by the Village Board of the Village of Spring Green as Ch. 11 of the Village Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Comprehensive Plan — See Ch. 204.  
Land division and subdivision — See Ch. 250.  
Property maintenance — See Ch. 300.  
Sewers — See Ch. 325.  
Water — See Ch. 390.

#### § 189-1. Title, scope and purpose.

- A. Title. This chapter shall be known as the "Municipal Building Code of the Village of Spring Green."
- B. Scope. The provisions of this chapter shall govern the design, construction, alteration, demolition, and moving of all buildings and structures.
- C. Purpose. The purpose and intent of this chapter are to:
- (1) Exercise jurisdiction over the construction and inspection of all buildings and structures and additions thereto.
  - (2) Provide plan review and on-site inspections of all buildings and structures by Municipal Building Inspectors.
  - (3) Establish and collect fees to defray administrative and enforcement costs.
  - (4) Establish use of uniform building permits as prescribed by the Department of Safety and Professional Services (DPS).
  - (5) Establish Certified Municipality Status. Certified Municipality. The Village of Spring Green has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
    - (a) Responsibilities. The Village of Spring Green 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 municipality shall be submitted, if the plans are for any of the

following:

1. A new building or structure containing less than 50,000 cubic feet of total volume.
2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
4. An alteration of a space involving less than 100,000 cubic feet of total volume.
5. A certified 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.
6. 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 less than 25,000 cubic feet, require plan submission as follows:

1. Building permit application
2. Application for review - SBD-118
  - a. Fees per Table SPS 302.31-2 and SPS 302.31
  - b. Fees apply to all commercial projects
3. Four sets of plans
  - a. Signed and sealed per SPS 361.31
  - b. One set of specifications
  - c. Component and system plans
  - d. Calculations showing code compliance

**§ 189-2. State codes adopted.**

A. The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

B. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.

### **§ 189-3. Definitions.**

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

**ADDITION** — Any new construction performed on a building which increases the outside dimensions of the building.

**ALTERATION** — A substantial change or modification other than an addition or minor repair to a building or to systems involved within a building.

**DEPARTMENT** — The Wisconsin Department of Safety and Professional Services.

**DWELLING**

- A. Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or two dwelling units; or
- B. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

**MINOR REPAIR** — Repair performed for maintenance or replacement purposes on any existing building which does 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 does not increase a given occupancy and use.

**ONE- OR TWO-FAMILY DWELLING** — A building structure which contains one or separate households intended to be used as a home residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

**PERSON** — An individual, partnership, firm or corporation.

**VILLAGE BOARD** — The Village Board of the Village of Spring Green.

**WISCONSIN ADMINISTRATIVE CODES ADOPTED** — Refer to § 189-2, A.

### **§ 189-4. Method of enforcement.**

For the purpose of administering and enforcing the provisions of this chapter and the Wisconsin Administrative Codes adopted, the Village Board shall establish the office of Building Inspector which shall be filled by that method prescribed under § 189-5 of this chapter.

### **§ 189-5. Building Inspector.**

- A. Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code. 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 Administrative Code by the Department.

- B. Duties. The Building Inspector shall administer and enforce all provisions of this ordinance and the Wisconsin Administrative Codes adopted.
- C. 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 heat 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 66.0119, Stats.
- D. Records. The Building Inspector shall perform all administrative tasks required by the Department under the Wisconsin Administrative Codes adopted.

#### **§ 189-6. Building permits.**

- A. Building permits required. No building of which initial construction shall be commenced after the effective date of this chapter shall be built, enlarged, altered, demolished or repaired unless a building permit for that work shall be first obtained by the owner or his agent. Application for a building permit or demolition permit shall be made in writing on the form provided by the Building Inspector. The term "building permit" shall include construction permits, electrical permits, heating, ventilating and air-conditioning (HVAC) permits and plumbing permits.
- B. Repairs and additions requiring permit. No addition, alteration or repair to an existing building not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent.

(1) The construction which shall require a building permit includes, but is not limited to:

- (a) New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
- (b) Additions increase the physical dimensions of a building including decks.
- (c) Alterations to the building structure, 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 by the Building Inspector.
- (e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
- (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.

- C. Issuance of permit. If the Building Inspector finds that the proposed building, repair or addition complies with all applicable provisions of the Wisconsin Administrative Code and the

ordinances of the Village, then the Building Inspector shall approve the application and a building permit shall be issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site and a copy thereof shall be kept on file with the Building Inspector. After being approved, no building plans shall be altered in any respect which involves any the applicable provisions of the Wisconsin Administrative Code or the ordinances of the Village or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector. Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector. Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

#### **§ 189-7. Demolition of Buildings and Structures**

- A. Permit Required. No person, firm, or corporation, agent or servant shall demolish or cause to be demolished any building, structure or part thereof without applying for and obtaining a permit from the Building Inspector.
- B. Process to be Used. All demolitions, including demolitions of single family dwellings, shall comply with applicable National Emissions Standards for Hazardous Air Pollutants relating to asbestos promulgated by the United States Department of Environmental Protection and Wisconsin Department of Natural Resources. Whenever a building shall be demolished the roof and each upper story shall be taken down before the demolition of the next lower story is begun, and no material shall be placed to overload any part of such building in the course of demolition, and all brick, stone, timbers and structural parts of each story shall be lowered to the ground immediately upon displacement, and all dry mortar, lime, brick dust or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property, and all sidewalks shall be protected by fences and scaffolds as required by the ordinances of the Village relating to the protection of the sidewalks during the erection of buildings.
- C. Grading and Fencing. The building site of any building hereafter demolished shall be properly cleared of all debris and rubbish and shall be properly graded and leveled off so as not to spoil the appearance of a neighborhood, or the excavations shall be fenced in with a board fence for the protection of the public, such fence to be not less than four (4) feet in height.”

#### **§ 189-8. Moving of Buildings and Structures**

- A. Permit. Every application for a permit to move a building shall set forth in detail a description of the construction at the present time, its use and location, also the new location, and any existing building thereon, the substructure that is to be placed upon, the use intended in the future, and the route to be traversed in the moving. Buildings moved into the Village of Spring Green shall meet all applicable zoning and building regulations for the site to which it will be located. Zoning and building permits for structures moved into the Village of Spring Green will be required.

- B. Bond. The applicant shall file with the application a bond in the sum of five thousand dollars (\$5,000.00) payable to the Village, with good and sufficient sureties to be approved by the Village President and the Village Attorney, conditioned to save and keep the Village of Spring Green harmless from all liability, and will indemnify the Village against any and all judgments, claims, or every nature whatsoever, costs and expenses resulting from the moving of said proposed building. In lieu of or in addition to the bond referred to herein, the Village President and Village Attorney may require a policy of liability insurance naming the Village as additional insured, in an aggregate amount not less than one million dollars (\$1,000,000.00).
- C. Protection of Property While Moving Building. The removal of a building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. No building shall be allowed to remain over night upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant. Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from thirty (30) minutes before sunset to thirty (30) minutes after sunrise.
- D. Tree Trimming. If the movement of the building over the City streets and/or alleys requires the trimming of trees, the same shall be done by a business or individual who is regularly engaged in such service and is pre-approved by the Director of Public Works. It shall be the responsibility of said business or individual to clean all trimming debris and replace any trees substantially damaged during the move. On the failure of this business or individual to do so to the satisfaction of the Director of Public Works within ten (10) business days after said move, the City will clean up and/or replace such trees if necessary and hold the person obtaining the permit and the bond responsible for the payment of such expenses.
- E. Protection of Streets and Improvements. Every person receiving a permit to move a building shall within one (1) day after said building reaches its destination, report to the Building Inspector, who shall notify the Village Engineer. The Village Engineer shall thereupon inspect the streets over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets, the house mover shall forthwith place them in as good repair as they were before the permit was granted. Upon the failure of the permit holder to repair such damage within ten (10) days thereafter to the satisfaction of the Village Engineer, the Village Engineer shall repair the damage done to such streets and hold the applicant and or the sureties on the bond given by the permit holder responsible for the payment of the same.

**§ 189-9. Fees for building permits and inspections.**

An applicant for a building permit shall, at the time of application, pay the applicable building permit and inspection fee as from time to time established by the resolution of the Village Board. A copy of such resolution shall be available to any person at the Village offices or from the Building Inspector.

**§ 189-10. Violations and penalties.**

- A. No person shall erect, use, occupy or maintain any building in violation of any provisions of this chapter or the Wisconsin Administrative Codes adopted or cause or permit any such violation to be committed. Any person violating any of the provisions of this chapter shall, upon conviction,

be subject to a forfeiture of not less than \$25 nor more than \$1,000 for each day of non-compliance, together with the costs of prosecution.

- B. If an inspection reveals noncompliance with this chapter or the Wisconsin Administrative Codes adopted, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted by the Building Inspector pursuant to any applicable provisions of the Wisconsin Administrative Codes adopted.
- C. If, after a written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter or the Wisconsin Administrative Codes adopted.
- E. If any construction or work governed by the provisions of this chapter or the Wisconsin Administrative Codes adopted is commenced prior to the issuance of a permit, double fees shall be charged.
- F. The penalties and remedies provided in this section shall be in addition to any other penalties and remedies provided and available to either the Village of Spring Green or the State of Wisconsin under the Wisconsin Administrative Codes adopted or other applicable provisions by law.

#### **§ 189-11. Appeals.**

Any person feeling aggrieved by an order or determination of the Building Inspector of the Village Board may appeal from such order or determination to the Board of Zoning Appeals. Those procedures customarily used to effectuate an appeal to the Board of Zoning Appeals shall apply.

#### **§ 189-12. Liability for damages.**

This chapter shall not be construed as an assumption of liability by the Village for damages because of injuries sustained or property destroyed by any defect in any building or equipment.

#### **§ 189-13. Severability.**

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