

**BUILDING CODE ORDINANCE (ADOPTING UDC) TOWN OF ROXBURY
ORDINANCE NO. 2004-1**

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1.1 AUTHORITY. This Ordinance is adopted under the authority granted by §101.65, *Wis. Stats.*

1.2 PURPOSE. The purpose of this ordinance is as follows:

To promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

To exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings; including soil erosion control and all additions or alterations to all existing one and two-family residential buildings, and to all accessory buildings (such as garages, sheds, swimming pools), wherever built;

To provide plan review and on-site inspections performed by inspectors or agencies certified by the Wisconsin Department of Commerce ("COMM");

To establish the use of standard building permit forms for new one-family or two-family dwellings as prescribed by Commerce;

To establish and collect fees to defray administrative and enforcement costs; and

To provide remedies and penalties for violations of this Ordinance.

1.3 SCOPE. This ordinance shall apply to all new one and two-family residential buildings as well as all additions or alterations to all existing one and two-family residential buildings and to all accessory buildings (such as garages, sheds,

swimming pools) whenever built. Plans and inspection will cover excavations, soil erosion, construction, heating, ventilating, electrical and plumbing. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

Notwithstanding Section Comm 20.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Sections Comm 20.19 and 20.21, respectively, shall be decided by the Town Board. Petitions for variance shall be decided per Section Comm 20.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the Town Board approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding Section Comm. 20.05, the scope also includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED. Chapters COMM 20 through 25, Wisconsin Administrative Code, the State Uniform Dwelling Code ("UDC"), and all amendments thereto, are adopted and incorporated in this ordinance by reference. Any future amendments and revisions to the UDC are also made a part of this ordinance in the interest of state wide uniformity. A copy of the UDC shall be kept on file in the office of the Building Inspector.

1.5 BUILDING INSPECTOR. (a) There is hereby created the position of Building Inspector, who shall have the responsibility to administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by §101.66(2), *Wis. Stats.* in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

(b) Appointment. The Building Inspector shall be appointed by the Town Board and may be a firm or individual. The Building Inspector shall not be a Town employee, but rather an independent contractor. The Building Inspector shall serve at the pleasure of the Town Board for an indefinite term.

(c) Qualifications. The Building Inspector shall be certified as stated in Section COMM 26.06 for categories under which the Building Inspector shall conduct inspections. The Building Inspector shall not be interested, directly or indirectly, in the construction of buildings, in the preparation of plans and specifications therefor, or permanent building equipment in the Town.

(d) General Powers and Duties. The Building Inspector shall administer and enforce all provisions of this ordinance. The Building Inspector shall assist, when necessary or requested, the Town Engineer or such other Town officer or person as the Town Board may designate in the enforcement of the Subdivision and Erosion Control Ordinances. The Building Inspector shall at all reasonable times enter upon any public or private premises for inspection purposes or to prevent violation of the Building Codes and Ordinances. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Application for and acceptance of a building permit shall constitute consent to such entry.

(e) Records. The Building Inspector shall keep a record of all permit applications issued and inspections made. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the State.

1.6 BUILDING PERMIT REQUIRED. (a) No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert, or demolish any building or structure, or cause the same to occur, without obtaining a building permit as provided for herein. This ordinance shall not be construed to require a building permit for minor repairs not exceeding \$1000.00, provided such repairs do not affect the structural integrity or strength of the building, involve plumbing or electrical work, and do not change the size, occupancy, fire protection, ventilation, exits or lights of the building or structure. Any person desiring a building permit shall file with the Building Inspector an application therefor on the form specified in Section 1.6(b). The Building Inspector will issue the building permit to the owner or to the owner's authorized agent. If construction commences prior to the issuance of a permit, the permit fee shall be doubled.

(b) Application Forms to be Used. If the application is for a new one-family or two-family dwelling, the Building Inspector shall use forms prescribed by Commerce and file a copy of each form with Commerce as required under §101.65(3), *Wisconsin Statutes*.

(c) Submission of Plans. The applicant shall submit two (2) copies of all plans required by the Wisconsin Administrative Code at the time a building permit application is filed as well as any and all required soil erosion control plans and calculations. In addition, every application for a permit

shall describe the land upon which the proposed building or work is to be done, either by lot and block or tract, tax certificate number and street number, if any. Every application shall show the use and occupancy of all parts of existing buildings and such other information as may be required by the Building Inspector or the Town's application. All plans shall bear the name of the architect, engineer or person responsible for their preparation.

(d) Issuance of Permit. If the Building Inspector determines that the building/structure and soil erosion control plans comply with all ordinances, a permit shall be issued after the required fees have been paid.. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit card shall be posted in a conspicuous place at the building site.

(e) Occupancy Permit. The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit if no violations exist which could reasonably be expected to affect health or safety.

(f) Permit Lapse. The building permit shall expire two years after issuance if the dwelling's exterior has not been completed.

(g) Permit Validity. No building permit presuming to give authority to violate, or to fail to comply with the provisions of this Ordinance shall be valid except insofar as the work or use which it authorizes is lawful. If errors, subsequent to issuance of a permit, are discovered in the application, plans, specifications or execution of the work, the Building Inspector may rescind the permit and prevent building operations being further carried on thereunder when in violation of this or any other ordinances.

1.7 PERMIT FEES. Building permit fees to defray administrative and enforcement costs shall be as determined from time to time by the Town Board and posted by the Building Inspector.

1.8 PENALTIES. This ordinance shall be enforced by using individual municipal enforcement by the Town's Building Inspector or others duly authorized by this Ordinance.

When the Building Inspector gives written notice of any violation of this ordinance, the violation shall be promptly corrected. All violations, except with respect to erosion control, shall be corrected within 30 days unless an extension of time is granted pursuant to Section COMM 20.21 of the UDC. Any erosion control violation must be corrected within seventy-two (72) hours.

(a) Stop Order. The Building Inspector may issue a stop construction order under §§66.035, 66.122, or 62.17, *Wisconsin Statutes*, for the following reasons:

- (1) If written violations are not corrected after 30 days; or,
- (2) Construction significantly structurally deviates from the approved plans, or,
- (3) When construction is deemed dangerously unsafe

A stop order "red-tag" shall be posted at the construction site, and the owner shall be notified in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the Building Inspector authorizes the restart.

(b) Demolition Orders. If a building is so old, dilapidated, and out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and if it would be unreasonable to repair the building, the Building Inspector shall order the owner to raze or remove the building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by §66.05 *Wis. Stats*.

(c) Penalties. 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 injunctive action. Any person in violation of this ordinance or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25 nor more than \$500 for each violation and shall also pay the costs and expenses incurred in the case. Each day that such violation continues will constitute a separate and distinct offense. In addition, the Town may recover any costs incurred, and fees for services charged, by its Building Inspector or Town Engineer, and all attorney's fees and legal expenses in aiding in the enforcement or prosecution under this ordinance.

(d) The options set forth in (b) and (c) above are alternative procedures. The Town may elect to proceed on any violation under (b), (c), or both or may assess the penalty set forth in Section 1.7(c) of this Ordinance as the case may be.

1.9 APPEALS. Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town Board will follow procedures under Chapter 68, *Wisconsin Statutes*, to arrive at a final determination. Final determinations may be reviewed pursuant to Section COMM 20.21

1.10 SEVERABILITY. The provisions of this ordinance shall be deemed

severable, and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.11 EFFECTIVE DATE. The procedures of §60.80(2), *Wis Stats.*, having been followed, this ordinance shall take effect one day after publication.

Adopted this 5th day of April, 2004

Approved:

Ervin C. Breunig
Ervin C. Breunig, Town Chairman

Attest:

Robert M. Pings
Robert M. Pings, Town Clerk

I hereby certify that the foregoing Ordinance was duly passed by the Town Board of the Town of Roxbury on the 5 day of April, 2004, and approved by the Chairman on that date.

Robert M. Pings
Robert M. Pings, Town Clerk

Town of Roxbury Applications Guide
May 2004

Town of Roxbury

APPLICATIONS GUIDE

for

Building Permits

INTRODUCTION

Purpose

This document has been written to explain application procedures for building permits in the Town of Roxbury.

Before Applying

Before applying for a permit you are advised to become familiar with the following items available from the Town Clerk; Bob Pings, 643-4762, or as otherwise listed.

1. Town Comprehensive Plan
2. Dane County Zoning Ordinances (Available from Dane County Planning & Zoning)
3. Wisconsin Uniform Dwelling Code (Available from WI Department of Commerce, Safety and Buildings Division)
4. Town Erosion Control and Stormwater Runoff Ordinance
5. Town Land Division and Subdivision Ordinance
6. Town Driveway Standards and Permit

BUILDING PERMITS

Who Needs Them

No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert, or demolish any building or structure, or cause the same to occur, without obtaining a Wisconsin Uniform Building Permit as provided for herein. A permit shall not be required for residing, reroofing, maintenance or for minor repairs not exceeding \$1,000.00, provided such repairs do not affect the structural integrity or strength of the building, involve plumbing or electrical work, and do not change the size, occupancy, fire protection, ventilation, exits or lights of the building or structure.

Procedure

Obtain Driveway Permit form from Bob Pings, Town Clerk, 643-4762, and from Dane County Highway Department if on a county highway

Obtain Building Site Approval from Town Plan Commission, John Appleyard, Chair, 643-8603

Obtain County Permit from Dane County Planning & Zoning, 266-4251

TOWN OF ROXBURY DRIVEWAY PERMIT APPLICATION
(To be completed along with ~~an~~ ^{Site and} erosion control plan - See Driveway Ordinance 2001-A)

APPLICANT

Name _____

Address _____

Telephone (Day) _____ (Evening) _____

LOCATION

_____ Street, Road, Highway etc.

(N S E W) from _____ Road, located (N S E W) of _____ Road

in the _____ quarter of the _____ quarter of Section _____

in the Town of Roxbury. Plat _____ CSM # _____

REQUIREMENTS

Centerline of driveway to be _____ feet (N S E W) of the (N S E W) property line.

Surface width of driveway to be a minimum of _____ feet, with a _____ foot subgrade.

Culvert: Length _____ feet Diameter _____ inches with Wis. DOT apron endwalls

No Culvert required: _____ Engineer's plan required (YES) (NO)

CONDITIONS

You are required to **contact the Town Engineer (MEI) at 608-643-5329 at least two working days before starting construction.** Refer to Roxbury Driveway Permit Ordinance 2001-A for construction specifications. Contact MEI if you have specific driveway construction questions. *Upon completion, notify the Town Engineer within 30 days to schedule a driveway inspection.* This permit expires one year after the date approved by the Town Board. If construction is not completed within one year of issue, the applicant must apply for a renewal driveway permit.

APPLICATION FEE, PERFORMANCE BOND & ENGINEERING/INSPECTION COSTS

The application fee to construct or relocate a driveway is \$250, payable to the Town of Roxbury at time of approval. A performance bond of at least \$2,500 (based on driveway length) is also due in the form of a check made payable to the Town of Roxbury. The bond amount will be returned after the Town Engineer inspects & approves the finished driveway and all Town engineering & inspection costs are fully reimbursed by the applicant.

Granted By: _____ Date: _____
Town of Roxbury