

**ORDINANCE OF THE TOWN OF ROXBURY
DANE COUNTY, WISCONSIN
Town Ordinance No. 2022-01**

TITLE: TOWN OF ROXBURY BUILDING CODE ORDINANCE.

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Table of contents is for informational purposes only and does not comprise a part of the town's ordinance.

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THE TOWN BOARD OF THE TOWN OF ROXBURY, DANE COUNTY, WISCONSIN, DO ORDAIN
AS FOLLOWS:

ARTICLE 1 REPEAL OF TOWN OF ROXBURY ORDINANCE NO. 2004-1

Town of Roxbury Ordinance No. 2004-1, titled "Building Code Ordinance (Adopting UDC) Town of Roxbury" is hereby repealed. This repeal shall not serve to prohibit or otherwise limit the ability of the town to proceed under the repealed ordinance or this Ordinance for any enforcement or collection action that accrued under the repealed ordinance.

ARTICLE 2 TITLE

This Ordinance is entitled the Town of Roxbury Building Code Ordinance, and will be referred to in this Ordinance "this Ordinance."

ARTICLE 3 PURPOSE

The purpose of this Ordinance is to protect and foster the health, safety and well-being of the general public through the regulation of certain minimum standards, provisions and requirements for the safe and stable design, methods of construction, and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and structures.

ARTICLE 4 BUILDING INSPECTOR

4.1 Appointment, Qualifications, and Compensation.

- (1) The Town Board shall appoint or employ the Building Inspector for the purpose of administering and enforcing the provisions of this Ordinance.
- (2) The Building Inspector shall have such qualifications, experience and certifications as the Town Board determines are necessary. At a minimum, the Building Inspector shall be certified by the Division of Safety and Professional Services, as required by Wis. Stats. § 101.66(2), 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.
- (3) The Building Inspector shall receive compensation as negotiated by contract.

4.2 Powers.

- (1) The Building Inspector is hereby authorized and directed to administer and enforce all the provisions of this Ordinance, the state codes adopted under Article 6, and any other ordinance of the Town of Roxbury the administration of which is delegated to the Building Inspector by the Town Board.

- (2) In carrying out his or her powers and duties, the Building Inspector may, at all reasonable times, enter upon any public or private premises for inspection purposes, and may require the production of any building permit required under this Ordinance. The Building Inspector is authorized to obtain special inspections warrants as needed to perform his or her duties as provided under Wis. Stat. § 66.0119.

4.3 Duties.

The Building Inspector shall:

- (1) Perform all administrative tasks required by the Department under the Uniform Dwelling Code;
- (2) Keep a record of all applications for building permits and shall regularly number each permit in the order of its issuance;
- (3) Record the number, description and size of all buildings erected, indicating the kind of materials used, and shall keep a record of the cost of each building and aggregate cost of all buildings of the various classes;
- (4) Keep a record of all inspections made; and
- (5) Make an annual written report to the Town Board on or before April 1 as requested, giving a general summary of the work of his or her office during the preceding year.

ARTICLE 5 BUILDING PERMIT; INSPECTIONS

5.1 Building permit required.

No person shall undertake or cause to be undertaken any work subject to the provisions of this Ordinance until a building permit is issued by the Building Inspector. No building of any kind shall be moved within or into the Town and no building or structure, or any part thereof, shall hereafter be erected, enlarged, altered, moved, demolished, razed, or ground broken for construction until a building permit or early start permit is issued by the Building Inspector. The building owner, contractor, and installer each bears the responsibility to determine whether a permit is required and to obtain the applicable permit prior to commencing any work.

5.2 Exceptions to permit requirements.

The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued. No permit is required for structures of 100 sq ft or less, unless the structure is attached to a slab.

5.3 Application.

Application for a building permit shall be made, in writing, upon a state uniform building permit form furnished by the Town.

- (1) **Contents.** An application must include, among other items, the name and address of the owner of the land, the owner of the building, if different, the legal description of the land upon which the building is located, and the name and address of the person who shall be conducting the construction, remodeling, or alterations.
- (2) **Dedicated town highway.** Unless the Town Board, following a recommendation from the Building Inspector, or the Building Inspector's designee, grants a waiver no building permit shall be issued unless the property on which the building is proposed to be built abuts a right-of-way that has been dedicated for town highway purposes. No person shall occupy any building until grading and graveling are installed in the town highways necessary to service the property.
- (3) **Utilities.** No building permit shall be issued for the construction of any building within any area served by sanitary sewer, including within the boundaries of the Roxbury Sanitary District No. 1, until installation of sewers necessary to service the property for which the permit is required are completed. A certificate of occupancy shall not be issued until all necessary utilities are available to service the property.

5.4 Plans.

With each building permit application, the Applicant shall submit two complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of the proposed structure, grade of lot and of the town highway abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest building on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the Applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for the control of soil erosion, surface water runoff and sediment deposition at the building site, as may be required by Town Ordinance "Chapter 2: Building and Construction Ordinance." If the Building Inspector finds that the character of the work is sufficiently described in the application, the Building Inspector may waive the filing of plans for alterations, repairs, or building moves.

- (1) **Commercial plans.** Commercial buildings requiring Department review shall bear the stamp of approval of the Department. One plan set shall be submitted which shall remain on file in the office of the Building Inspector

and a stamped set of plans shall be kept on-site of the building per § SPS 361.33, Wis. Adm. Code.

- (2) **Dwelling plans.** Plans for all new one- and two-family dwellings shall comply with the provisions of § SPC 320.09, Wis. Adm. Code.

5.5 Approval of plans.

- (1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, the Building Inspector shall issue the building permit, which must be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect that involves any applicable building code regulations except with the written or, if followed up with written consent, verbal consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at their discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (3) No work is to be started unless a proper grade has been reviewed by the Town Engineer, including the grade for driveways and general construction.

5.6 Fees.

- (1) **Establishment of fees.** All building permit fees required by this Ordinance shall be established by resolution of the Town Board of the Town of Roxbury. These fees shall be subject to periodic review and amendment.
- (2) **Professional fee reimbursement.** Any Applicant for a permit under this Ordinance may request preliminary review of required plans, site plans, sufficiency of existing documents or similar matters that are not normally handled by the Building Inspector. If the Town, in its exclusive discretion, requests that the Town Engineer or Town Attorney undertake any such review, the Applicant shall be responsible for any professional fees or expenses incurred in such review and shall reimburse the Town for any such fees or expenses within 30 days of invoice.
- (3) **Fees doubled.** If a building permit is not obtained prior to commencement of construction, the applicable building permit fees shall be doubled.

5.7 Inspection of work.

- (1) The contractor shall notify the Building Inspector, or the Building Inspector's designee when a building is ready for inspections, and the Building Inspector, or the Building Inspector's designee, may commence inspection after

completion of the following states of construction:

- (i) Footings and foundation;
 - (ii) General framing, rough electrical, plumbing and heating;
 - (iii) Insulation; and
 - (iv) Completion of the structure.
- (2) Nothing in this Ordinance shall prevent the Building Inspector, or the Building Inspector's designee, from conducting other inspections at any time the Building Inspector, or the Building Inspector's designee, determine appropriate or necessary. No contractor or Owner shall, at any time, refuse access to the Building Inspector, or the Building Inspector's designee, to any building or structure for which a building permit has been issued pursuant to the provisions of this Ordinance.
- (3) If the Building Inspector, or the Building Inspector's designee, finds the work conforms to the provisions of this Ordinance, the Building Inspector, or the Building Inspector's designee, shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector, or the Building Inspector's designee, in the Town Hall.

5.8 Permit lapse.

A building permit shall lapse and be void unless the work for which the permit is granted is commenced substantially within 12 months from the date of issuance or if construction has not been completed within two years from the date of issuance, provided that if state law establishes different time periods, those state provisions shall control.

5.9 Suspension or revocation.

- (1) The Building Inspector, or the Building Inspector's designee, may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Ordinance, and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
- (i) Whenever the Building Inspector, or the Building Inspector's designee, shall find at any time that applicable Ordinances, laws, regulations, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after

written warning or construction order has been issued to the permit holder.

- (ii) Whenever the continuance of any construction becomes dangerous to life or property.
 - (iii) Whenever there is any violation of any condition or provisions of the application for the building permit or the building permit.
 - (iv) Whenever, in the opinion of the Building Inspector, or the Building Inspector's designee, there is inadequate supervision provided on the job site.
 - (v) Whenever any false statement or misrepresentation has been made in the application for the building permit, plans, drawings, data specifications or certified lot or lot plan on which the issuance of the building permit or approval was based.
 - (vi) Whenever there is a violation of any of the conditions of approval or occupancy given by the Building Inspector, or the Building Inspector's designee, for the use of all approved materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a building permit, plumbing, HVAC or electrical certificate of occupancy or approval shall be in writing and may be served upon the permit Applicant, Owner of the premises or the Owner's agent, if any, and on the person having charge of the construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or the Building Inspector's designee.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit that has been so revoked shall be null and void. Before any construction or operation is again resumed, a new permit, as required by this Ordinance, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations and provisions of this Ordinance.
- (5) Notwithstanding subp. (4), such work as the Building Inspector, or the Building Inspector's designee, may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector, or the Building Inspector's designee, may require for the preservation of life and safety.

ARTICLE 6 STATE CODES ADOPTED

6.1 State Codes Adopted

The following provisions of the Wisconsin Administrative Code, and all amendments or supplementations thereto, are adopted and incorporated by reference and made a part of this Ordinance as if fully set forth herein:

- (A) Uniform Dwelling Code - Wis. Adm. Code, Chs. SPS 320-325.
- (B) Electrical Code - Wis. Adm. Code, Ch. SPS 316.
- (C) Commercial Code-Wis. Adm. Code, Chs. SPS 361-366
- (D) Plumbing Code-Wis. Admin. Code, Chs. 381-382
- (E) Flammable Liquids Code - Wis. Adm. Code, Ch. ATCP 93 (1989 Code, § 14.02)

Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Ordinance to secure uniform statewide regulation of one- and two-family dwellings and commercial buildings in the Town of Roxbury. A copy of these Administrative Code provisions and any future amendments, revisions or modifications shall be kept on file in the office of the Building Inspector for the Town of Roxbury.

6.2 Existing Buildings

- (1) **One- or two-family dwellings.** The Wisconsin Uniform Dwelling Code shall also apply to the following buildings and conditions:
 - (a) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied.
 - (b) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50% of the equalized value of the structure, said value to be determined by the Building Inspector, or the Building Inspector's designee.
 - (c) Additions and alterations, regardless of the cost, made to an existing building when deemed necessary in the opinion of the Building Inspector, or the Building Inspector's designee, shall comply with the requirements of this Ordinance for new buildings.

- (d) Any addition or alteration, regardless of cost, made to a building shall be made in conformance with the applicable sections and provisions of this Ordinance.
- (2) **Commercial buildings.** The Wisconsin Uniform Commercial Building Code shall also apply to the following buildings and conditions:
 - (a) An existing building to be occupied as a commercial building, which building was not previously so occupied.
 - (b) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50% of the equalized value of the structure, said value to be determined by the Building Inspector, or the Building Inspector's designee.
 - (c) Additions and alterations, regardless of the cost, made to an existing building when deemed necessary in the opinion of the Building Inspector, or the Building Inspector's designee, shall comply with the requirements of this Ordinance for new buildings.
 - (d) Whenever more than 25% of the roof covering of a building is replaced in any twelve-month period, all of the roof covering shall be in conformity with the applicable sections and provisions of this Ordinance.
 - (e) Any addition or alteration, regardless of cost, made to a building shall be made in conformance with the applicable sections and provisions of this Ordinance.

ARTICLE 7 GENERAL PROVISIONS

7.1 Occupancy permit required.

No building shall be occupied or otherwise used prior to the issuance of an occupancy permit.

7.2 Unsafe buildings.

Whenever the Town Board, upon the inspection and report of the Building Inspector, or the Building Inspector's designee, finds any building or part thereof within the Town to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Town Board may order the Owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove it at the Owner's option. The Town Board shall provide, in writing, specific reasons for its determination. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.

7.3 Regulation and permit for razing buildings

- (1) No building within the Town of Roxbury shall be razed without a permit from the Building Inspector, or the Building Inspector's designee unless a raze order has been issued by the Town Board, the Building Inspector or their designee(s). A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date of issuance. All work associated with the razing permit shall be completed within 30 days of the commencement of such work. Any unfinished portion of work remaining beyond the 30 days must have special permission to proceed from the Building Inspector, or the Building Inspector's designee.
- (2) Combustible material shall not be used for backfill but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (3) If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air, creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (4) The permittee shall take all necessary steps, prior to the razing of a building, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations. Such steps may include the employment of a qualified person in the field of pest control or by such other means as may be appropriate.

7.4 New methods and materials.

All materials, methods of construction and devices designed for use in buildings or structures covered by this Ordinance and not specifically mentioned in or permitted by this Ordinance shall not be so used until approved, in writing, by the Department for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code issued by the Department. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Department. The data, tests and other evidence necessary to prove the merits of such material, method of construction, or device shall be determined by the Department.

7.5 Disclaimer on Inspections

The purpose of the inspections under this Ordinance is to improve the quality of housing in the Town of Roxbury. The inspections and the reports and findings issued after the

inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise Owners and other interested persons, the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

ARTICLE 8 ENFORCEMENT AND PENALTY PROVISIONS

8.1 Enforcement

The Building Inspector, Town Clerk, or law enforcement officers of the town may issue citations for violations of this Ordinance in accordance with s. 66.0113, Wis. Stats. Following investigation by a town official or a complaint or possible violation of this Ordinance, the town official shall forward a report to the Town Board for determination if a citation should be issued.

8.2 Violations and Penalties

- (1) **Violation.** Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Ordinance shall be deemed an unlawful building, structure or use. The Building Inspector, or the Building Inspector's designee, shall promptly address the situation and if not properly acted on shall report all such violations to the Town Board and Town Attorney. The Town may bring an action to: (a) enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Ordinance; or (b) to cause such building, structure or use to be removed. The violation shall also be subject to a penalty as provided below.
- (2) **General penalty.** Unless otherwise provided, any person who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) **First offense.** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 per day, together with the costs of prosecution.
 - (b) **Second or subsequent offense.** Any person found guilty of violating any provision of this Ordinance who shall previously have been convicted of a violation of the same Ordinance within one year shall, upon conviction thereof, forfeit not less than \$250 nor more than \$1,000 per day for each such offense, together with costs of prosecution.

- (3) **Continued violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of any ordinance of the Town of Roxbury, Dane County, Wisconsin.
- (4) **Other remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector, or the Building Inspector's designee, or other Town officials constitute a defense. Compliance with the provisions of this Ordinance may also be enforced by injunction order at the suit of the Owner or Owners of any real estate within the jurisdiction of this Ordinance.
- (5) **No Personal Liability.** Except as may otherwise be provided by Statute or Ordinance, no officer, agent or employee of the Town charged with the enforcement of this Ordinance shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of the individual's duties under this Ordinance. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of the individual's duties under this Ordinance shall be defended by the legal representative of the Town until the final determination of the proceedings therein.
- (6) **Early occupancy violations.** No person may occupy any building unless verbal occupancy, if followed up with an occupancy permit, or an occupancy permit is issued by the Building Inspector. Any person occupying a building prior to the issuance of an occupancy permit shall, upon conviction thereof, forfeit \$200 for each day of occupancy prior to the issuance of the occupancy permit, together with the costs of prosecution.

ARTICLE 9 DEFINITIONS

9.1 Definitions

The terms used within this Ordinance shall have the definitions as set forth in the Wisconsin Administrative Code chapters as adopted by reference. In addition, the following terms, as used in this Ordinance, are defined as follows:

"Applicant" means a Person or his or her representative that submits an application for a Building permit.

"Department" means the Wisconsin Department of Safety and Professional Services, or any successor administrative agency.

"Minor Repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling 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.

"Owner" includes the plural as well as the singular and may mean either a natural Person, firm, association, partnership, limited liability company, private corporation, public or quasi-public corporation, or a combination of these that has title to a parcel of real estate.

"Person" may mean an individual, partnership, limited-liability company, or corporation.

"Town Official" means the Building Inspector, Town Clerk, law enforcement officers of the town, or such other persons charged by the Town Board with exercising the duties of a "town official" under this Ordinance.

ARTICLE 10 SEVERABILITY

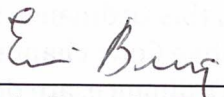
If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

ARTICLE 11 EFFECTIVE DATE

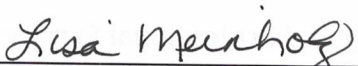
This Ordinance is effective the day after publication or posting, whichever occurs first.

The Town Clerk shall properly publish or post this Ordinance as required under s. 60.80, Wis. Stats.

Adopted and approved this 7 day of February 2022, by a vote of 3 in favor and 0 opposed.


Ervin Breunig, Town Chair

ATTEST:


Lisa Meinholz, Town Clerk

Date adopted:
Date notice posted:
Effective date:

February 7, 2022
February 8, 2022
February 9, 2022

