

CHAPTER IX

SUBCHAPTER I BUILDING CODE

9.01 **BUILDING INSPECTOR**

(1) The building inspector shall be appointed by the Town Board. No persons shall interfere with such officer while in the performance of his duties under this chapter.

(2) The building inspector shall keep a record of all permits, fees and inspections as provided for in this chapter, and shall make reports to the Town Board at such times as requested by the Town Board.

(3) The building inspector, as certified by the Department of Commerce, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code.

9.02 **BUILDING PERMIT**

(1) **Permit Required.** No building or structure or any part thereof shall be built, enlarged, altered, including interior alterations, moved or demolished within the Township unless a permit therefor shall first be obtained by the owner or agent from the building inspector. No person shall build or cause to be built any one or two-family dwelling without first obtaining a state uniform building permit for such dwelling from the building inspector.

(2) **Application.** Application for building permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land and also of the owner of the building, if different, the legal description and the street address of the land upon which the building is to be located and shall contain such other information as the building inspector may require for effective enforcement of this section.

(3) **Plans.** With such application there shall be submitted two complete sets of plans and specifications including a plot plan showing the location of the proposed building with respect to the adjoining street, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp or approval from the State Department of Commerce. Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as herein provided. The other set shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer.

(4) **Waiver of Plans.** If, in the opinion of the building inspector, the work is sufficiently described in the application, he may waive the filing of plans and specifications, except that no waiver shall be permitted in the filing of the plot plan as required in (3) above.

(5) **Approval of Plans** If the building inspector determines that the proposed building will comply in every respect with all ordinances of the township and all applicable laws and orders of the State of Wisconsin, he shall officially approve and sign one set of the plans, unless waived as provided herein, and return it to the owner, and shall issue a building permit therefor which shall 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 which involves any of the ordinances of the township laws and building or the occupants except with the written consent of the building inspector.

(6) **Repairs** No permit shall be required for any repairs or minor alterations if the same should pertain to the replacement of siding, roof, doors, windows, eaves, porches, or chimneys, provided the same shall result in the building openings remaining the same size as existed prior to the repair. No permit shall be required for any other repairs unless the value of said repairs consisting of the cost of materials and the value of labor, whether purchased or provided, shall exceed \$500.00 in value.

(7) **Payment of Fees** All fees shall be paid as prescribed in this chapter and shall be paid before any permit shall be issued to the owner or his agent.

(8) **Permit Lapses** A building permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.

(9) **Revocation.** If the building inspector finds at any time that the provisions of this code and any orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued except such work as the building inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety of the property.

(10) **Report of Violation** The Town Constable or Police Officer and Town Officials shall report at once to the building inspector any building work which is being carried on without a permit as required by this chapter. If confirmed by the building inspector that a violation is present, the Town Official shall take immediate action to enforce this ordinance.

(11) **Culverts.** No building permit shall be granted nor construction commenced until a proper culvert shall be installed if needed. The town chairperson shall determine whether a culvert is required.

(12) **Fees.** The fees for building permits shall be set by resolution of the Town Board.

**SUB-CHAPTER II
ONE AND TWO-FAMILY DWELLINGS**

9.21 APPLICATION OF PROVISIONS:

(1) **Title.** This ordinance shall be known as the One- and Two-Family Dwelling Code of the Town of Osborn.

(2) **Purpose** The purpose and intent of this ordinance is:

- (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings, and additions to existing one- and two-family dwellings constructed after June 1, 1980.
- (b) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Commerce.
- (c) Establish and collect fees to defray administrative and enforcement costs.
- (d) Establish remedies and penalties for violations.
- (e) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Dept. of Commerce.

9.22 STATE UNIFORM DWELLING CODE ADOPTED.

The Administrative Code Provisions described and defining regulations with respect to one- and two-family dwellings in Chapter Comm 5 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. 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 a uniform statewide regulation of one- and two-family dwellings in this town. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's Office.

9.23 DEFINITIONS

(1) **Addition** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(3) **Department.** "Department" means the Department of Commerce.

(4) **Dwelling** "Dwelling" means:

- (a) Any building, the initial construction of which is commenced on or after the effective date of this ordinance, 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 and which existing structure was constructed after June 1, 1980.

(5) **Minor Repair.** "Minor Repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling (which dwelling was constructed after June 1, 1980) which does not effect 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. No building permit is required for work to be performed which is deemed minor repair.

(6) **One or Two-Family Dwelling.** A "one or two-family dwelling" means 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.

(7) **Person.** "Person" means an individual, partnership, firm or corporation.

(8) **Uniform Dwelling Code** "Uniform Dwelling Code" means those administrative code provisions and any further amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- (a) Wisconsin Administrative Code Chapter Comm 20 Administration and Enforcement.
- (b) Wisconsin Administrative Code Chapter Comm. 21- Construction Standards.

- (c) Wisconsin Administrative Code Chapter Comm. 22 - Energy Conservation Standards.
- (d) Wisconsin Administrative Code Chapter Comm. 23 - Heating, Ventilation and air-conditioning Standards.
- (e) Wisconsin Administrative Code Chapter Comm. 24 - Electrical Standards.
- (f) Wisconsin Administrative Code Chapter Comm. 25 - Plumbing

9.24 METHOD OF ENFORCEMENT: For the purpose of administrating and enforcing the provisions of this Ordinance and the Uniform Dwelling Code, the Town shall appoint a building inspector for one and two-family dwellings. In lieu of appointment, the Town Board may contract with a qualified building inspector to perform the duties of a one and two-family dwellings inspector.

9.25 BUILDING INSPECTOR.

(1) **Creation and Appointment** There is hereby created the position of building inspector for one and two-family dwellings. The building inspector shall be appointed by the Town Board. The building inspector shall be certified for inspection purposes by the Department in each of the categories specified under Chapter Comm 5, Wisconsin Administrative Code.

(2) **Subordinates** The building inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board. Any subordinate hired to inspect buildings shall be certified under Chapter Comm 26, Wisconsin Administrative Code, by the Department.

(3) **Duties** The building inspector shall administer and enforce all provisions of this Ordinance and the Uniform Dwelling Code.

(4) **Powers.** The building inspector or an authorized, certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and 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 building inspector or his/her agent while in the performance of his/her duties.

(5) **Records** The building inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issuance. Also record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two-family dwellings shall be kept. The building inspector shall make a written, annual report to the Town Board relative to these matters.

9.26 BUILDING PERMITS:

(1) **Building Permits Required** No one or two-family dwelling of which initial construction shall be commenced after the effective date of this ordinance shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the building inspector. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Dept. of Commerce.

(2) **Repairs and Additions Requiring Permits.** No addition, alteration or repair to any existing one or two-family dwelling which was constructed after June 1, 1980, which is 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 from the inspector.

(3) **Submission of Plans** The applicant shall submit two sets of plans for all new or repairs or additions to existing one and two-family dwellings at the time that the building permit application is filed.

(4) **Issuance of Permit** If the building inspector finds that the proposed building or repair or addition complies with all town ordinances and the uniform dwelling code, the inspector shall approve the application and the building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the building inspector.

9.27 FEES FOR BUILDING PERMITS AND INSPECTIONS.

The fees for building permits and inspections shall be set by resolution of the Town Board.

9.28 VIOLATION AND PENALTIES

(1) No person shall erect, use, occupy or maintain any one or two-family dwelling in violation of any provision of this ordinance or the uniform dwelling code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 together with the costs of prosecution.

(2) If an inspection reveals a non-compliance with this ordinance or the uniform dwelling code, the building inspector shall notify the applicant and the owner in writing of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless extension of time is granted pursuant to Chapter Comm 20.10(1)(c), Wisconsin Administrative Code.

(3) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner, 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.

(4) Each day each violation continues after the 30 day written notice period has run 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 this ordinance or the Uniform Dwelling Code.

(5) If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

9.29 APPEAL TO BOARD OF APPEALS. Any person feeling aggrieved by an order or a determination of the building inspector may appeal or apply for a variance from such order or determination in accordance with the procedure set forth in Chapter Comm 20.19 to 20.22.

9.30 LIABILITY FOR DAMAGES This ordinance shall not be construed as an assumption of liability by the Town for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

The Town Board of the Town of Osborn do hereby ordain as follows:

SECTION I: Chapter IX of the Code of Ordinances of the Town of Osborn is created to read as follows:

9.40 Placement of Address Signs in the Town of Osborn

WHEREAS, the primary concern of the Town of Osborn town board are the welfare and safety of the Town's residents;

WHEREAS, the installation and proper maintenance of the address signs are to assist emergency personnel for swift and efficient response.

NOW, THEREFORE, let it be known that the Town of Osborn is requiring "flag" style address plates which are to be visible from both directions of travel and made of highly reflective materials.

SECTION 9.41: SIGN SPECIFICATION

The sign is to be 8"(eight inch) x 16"(sixteen inch), two sided "flag" style with 3M Engineer grade reflective sheeting overlaid and process colors. Signs are to be blue with white letters/numbers and border. The address letters are to be 4" (four inch) high and the "Town of Osborn" will be 1"(one inch) high. The sign is to be mounted on a green painted/powder coated post sufficient in strength and length to properly support the sign.

SECTION 9.42: INSTALLATION GUIDELINES

All signs are to be installed to be visible from both directions of travel and will be a minimum 3' (three feet) and a maximum 5' (five feet) above the level of the road surface. It also must be on the back slope of the road right of way and at least 5' (five feet) from the bottom of the ditch but not beyond the edge of the right of way. They must be placed approximately 5' (five feet) to 15' (fifteen feet) before the properties main entrance considering the route that Fire or Rescue vehicle would be coming from. Upon approval of the Town Board alternate locations may be necessary as a result of foliage, lot line boundaries, or other obstructions.

SECTION 9.43: PENALTIES FOR ORDINANCE

Once a sign has been established at a site in the Town of Osborn, any removal of said sign shall be considered a violation of this ordinance. The property owner or occupants are responsible for keeping the sign in readable condition, clean and free from vegetation. If the above is not true the Town Board will give notice to the Property Owner to correct the violation within 10 days. After such time a Property Owner that is in violation of this ordinance shall pay a forfeiture of \$200.00 along with the cost of a new sign and the installing of said sign.

SECTION 9.44: EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as provided by law.