

## **Chapter 912. Uniform Dwelling Code.**

912.1.PURPOSE. The purpose of this section is to adopt the WISCONSIN UNIFORM DWELLING CODE. The town has this authority pursuant to section 60.61(1m) and section 62.17 of the Wisconsin State Statutes to enact this section. The Wisconsin Uniform Dwelling Code, Chapters Comm 20-25 and Comm 5 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

912.2.SCOPE. The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

912.3.OFFICE OF BUILDING INSPECTOR. There is hereby created the Office of Building Inspection. This agency or individual shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 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, UDC Plumbing, and UDC Construction.

912.4.BUILDING PERMIT REQUIRED. If a person intends to add habitable living space of 750 square feet or greater onto a dwelling, or builds a new single or two family dwelling, or converts a commercial structure into a residential dwelling within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes that involve extensions shall require permits if over the foregoing threshold. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements.

912.5.BUILDING PERMIT FEE. The building permit fees shall be determined by resolution. The building permit fee shall include the fee to be forwarded to the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to any new dwelling. The UDC permit seal fee shall be set in Wisconsin Administrative Code COMM 2.34(1).

912.6.OCCUPANCY PERMIT REQUIRED. An occupancy permit is required prior to moving into or living in any area of the structure to which the building permit was issued. This permit is issued after a final inspection has been completed and no critical violations have been found.

912.7.RIGHT OF APPEAL. Any person feeling aggrieved by an order of the Building Inspector may, within 30

days thereafter, appeal from such order to the Town Board. The Town shall follow procedures set forth in Ch. 68, Wis. Stats. to arrive at a final determination. Final determination may be reviewed as provided in Wisconsin Administrative Code COMM 20.21.

912.8.PENALTIES.

- (1). NON-COMPLIANCE: A person who violates the provisions of this Ordinance or fails to comply with any of the requirements of this Ordinance shall be guilty of a misdemeanor. Persons in violation may include the owner of the premises that is the subject of the violation, and any architect, engineer, builder, contractor, agent, person or corporation who assisted in the commission of such violation. Each such person shall be guilty of a separate offense for each and every day during which a violation is committed or continued. Each violation shall be punished within the limits of state law, except that forfeitures shall be not less than fifty dollars (\$50.00) per day nor more than one thousand dollars (\$1000.00) per day plus the cost of prosecution. Persons accused of violations under this Ordinance shall be served with a Wisconsin Uniform Municipal Court Citation in person or by certified mail, return receipt requested, to the owner and/or their agent directing discontinuance of said activity and/or the condition that is in violation. The Citation shall specify the structure, activity, or other condition that is in violation of this Ordinance and specify the date of the hearing of this Citation in the Municipal Court. Service of Citation may be made by any Town Officer.
- (2). INJUNCTION: Any use or action which violates any provision of this Ordinance shall be subject to a court injunction prohibiting such violation.
- (3). ABATEMENT: The imposition of the penalties herein prescribed shall not preclude the Town Board from instituting an appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

912.9.SEVERABILITY. The various provisions of this ordinance are intended to be severable. If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality

shall not affect any of the remaining provisions or application of this ordinance which shall continue in full force and effect.

912.10.EFFECTIVE DATE. This ordinance shall be effective upon passage and publication as provided by law. Upon passage of this section Chapter 700 of the Code of Ordinances shall be repealed.