

VILLAGE OF CROSS PLAINS

ORDINANCE 2021-03

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 31 OF THE VILLAGE OF CROSS PLAINS CODE OF ORDINANCES REGARDING BUILDING REGULATIONS**


The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Chapter 31, Building Regulations is hereby repealed in its entirety and recreated to now read as set forth on the attached Exhibit A.
2. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.
3. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.


Adopted this 26 day of April, 2021.

VILLAGE OF CROSS PLAINS

By:

  
Jay Lengfeld, Resident

By:

  
Bobbi Zauner, Clerk

## **CHAPTER 31**

## **BUILDING REGULATIONS**

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# CHAPTER 31

# BUILDING REGULATIONS

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## SECTION 31.01 Title

This article shall be known and cited as the "Building Code".

## SECTION 31.02 Purpose.

The purpose of this chapter is to provide for the adoption of the State Uniform Dwelling Code for one and two family dwellings, and the State Commercial Building Codes, as may be amended from time to time, to exercise jurisdiction over the construction of one and two family dwellings and certain commercial structures, to provide on-site inspection by state-certified building inspectors, to establish and collect fees to defray costs, to protect the public health, safety and general welfare, and to provide remedies and penalties for violations.

## SECTION 31.03 Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

- (a) **Dwelling Unit.** A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.
- (b) **Build.** The act of constructing, erecting, reconstructing, extending, converting or structurally altering a dwelling unit.
- (c) **One- and Two-Family Dwellings.** Buildings consisting of one or two dwelling units.
- (d) **Owner.** Any person having a legal or equitable interest in a dwelling unit.

## SECTION 31.04 Adoption of State Codes.

- (a) The following chapters of the Wisconsin Administrative Code, as well as all subsequent revisions and amendments thereto, are adopted by the Village and shall be enforced by the Building Inspector:

Chapter SPS 302.31	Plan Review Fee Schedule
Chapter SPS 305	Credentials
Chapter SPS 316	Electrical Code
Chapters SPS 320-325	Uniform Dwelling Code
Chapter SPS 327	Campgrounds
Chapters SPS 361-366	Commercial Building Code
Chapters SPS 375-379	Buildings Constructed Prior to 1914

- (b) **Existing Codes.** Existing ordinances and codes shall remain in effect except as and until they conflict with any provision of the enacted State Administrative Codes, and to the extent existing ordinances and codes conflict with the State Administrative Codes, such ordinances and codes shall not to apply.

### SECTION 31.05 Building Permit Required.

A Building Permit is required for all projects affecting the interior or exterior of a structure except for the replacement of flooring and painting (subject to the requirements of section 31.06(b) below). Further, no owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Building Inspector. The construction which shall require a building permit includes but is not limited to:

- (a) New one- and two-family structures and commercial structures, including agricultural buildings, detached structures (decks), and detached accessory buildings;
- (b) Additions that increase the physical dimensions of a structure, including decks;
- (c) Alterations to a structure, or alterations to the structure'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;
- (e) Any electrical wiring for new construction or remodeling;
- (f) Any HVAC for new construction or remodeling;
- (g) Any plumbing for any new construction or remodeling; and
- (h) Any new or rewired electrical service including services for agricultural buildings.

### SECTION 31.06 Application for Building Permit.

- (a) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Village Building Inspector (hereafter "Building Inspector"), or by his or her designee. The application shall state the name and address of the owner of the land, the owner of the structure if different, the legal description of the land upon which the structure is to be located, the name and address of the designer, the use to which the structure is to be put, and such other information as the Building Inspector or his or her designee may require. The Building Inspector shall have 72 hours to review a building permit application. Building permit application fees will be established by the Village Board.
- (b) **Lead-Safe Renovation Certification.** If the project for which a building permit is requested is in a dwelling or child-occupied facility built before 1978, and the

project may disturb 6 sq. ft. or more of paint per room, 20 sq. ft. or more of exterior paint or involves windows, then the requirements of chapter DHS 163 Wis. Adm. Code requiring Lead-Safe Renovation Training and Certification apply.

#### **SECTION 31.07 Building Inspector.**

- (a) 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 of Safety and Professional Services (Department) and the required categories specified under SPS 305 of the Wisconsin Administrative Code.
- (b) The Building Inspector may employ, assign or appoint as necessary assistant inspectors. Any assistant hired to inspect buildings shall also be certified as defined in SPS 305 of the Wisconsin Administrative Code by the Department.
- (c) The Building Inspector shall administer and enforce all provisions of this Chapter.
- (d) The Building Inspector or any 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 HVAC work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or its agent while in the performance of its duties.
- (e) Certified Municipality. The Village has adopted the Certified Municipality status as described in SPS 361.60 of the Wisconsin Administrative Code. The Village shall assume the following responsibilities for the Department of Safety and Professional Services:
  - (1) Provide inspection of commercial buildings with Certified Commercial Building Inspectors; and
  - (2) Provide plan examination of commercial buildings with Certified Commercial Building Inspectors.
- (f) The Certified Municipality Status shall apply to drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the Village limits 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 the space involving less than 100,000 cubic feet of total volume;
- (5) The Village may waive its jurisdiction for the plan review of a specific project or type 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 the Village, in which case plans and specifications shall be submitted to the Village for review and approval;
- (7) All commercial buildings, structures and alterations including new buildings and additions less than 25,000 cubic feet which fall under the Village's Certified Municipality status required plan submission as follows:
  - a. Building permit application;
  - b. Application for review-SPD-118
    1. Fees per table SPS 302.31-2 and SPS 302.31;
    2. Fee apply to all commercial projects
    3. Four sets of plans:
      - i. Signed and sealed per SPS 361.31
      - ii. One set of specifications
      - iii. Component and system plans
      - iv. Calculations showing co-compliance

**SECTION 31.08 Inspections.**

Any person building a structure subject to the terms and conditions of this Chapter shall notify the Building Inspector when the following portions of such structure is ready for inspection:

- (a) Erosion control measures;
- (b) Water-sewer lateral hookups;
- (c) Footings and foundation (prior to pouring of concrete);
- (d) General framing, rough electrical, plumbing, and heating;
- (e) Insulation;
- (f) Landscaping;
- (g) Other inspections as required by the Building Permit; and
- (h) Completion of the dwelling.

**SECTION 31.09 Inspection Warrants.**

If the Building Inspector is denied access to property to inspect a dwelling, he or she may seek an inspection warrant pursuant to Section 66.0119, Wis. Stats.

## SECTION 31.10 Certificate of Occupancy.

### (a) Certificate Required; Final Inspection.

- (1) The Building Inspector shall make a final inspection of all new structures upon completion of construction. Address numbers shall be posted on the face of each structure in a prominent location visible from the street and shall be a minimum of two inches high. The numbers shall be of a color that contrasts with the background. If compliance with this chapter and all other applicable ordinances is found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the structure is to be used.
- (2) No structure or part thereof may be occupied until a certificate of occupancy has been issued, nor shall any structure be occupied in any manner that conflicts with the conditions set forth in any certificate of occupancy. Any person who occupies a structure before the issuance of a certificate of occupancy shall be subject to the penalties provided in this chapter. It shall be the responsibility of the builder to inform owners and tenants of the certificate of occupancy requirement.

### (b) Use Discontinued.

- (1) Whenever any structure or portion thereof is being used or occupied contrary to the provisions of this chapter, the Building Inspector shall order such use or occupancy discontinued and the structure or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued, and such person shall, within 10 days after receipt of the notice, either vacate such structure or portion thereof or make the structure or portion thereof comply with the requirements of this chapter.
- (2) Any structure or any part thereof damaged by any cause whatsoever so as to jeopardize public safety or health shall not thereafter be occupied or used until a new certificate of occupancy has been issued.

(c) **Change.** It shall be unlawful to change the use of any structure, or part thereof, without first obtaining from the Building Inspector a certificate of occupancy for the changed use.

(d) **Hardship.** The Building Inspector has the authority to permit the occupancy of any structure prior to issuance of a certificate of occupancy in cases of hardship if the circumstances, in his or her judgment and discretion, warrant occupancy before the final stage of completion. Before granting such permission, the Building Inspector shall first examine the structure and determine if it is safe and sanitary.

## SECTION 31.11 Demolition and Renovation.

(a) **Definitions.** For purposes of this section the following definitions apply:

- (1) **Demolition.** The wrecking or taking out of any load-supporting structural member of a residential facility together with any related handling operations for the intentional burning of any residential facility.
- (2) **Department.** The Department of Natural Resources.
- (3) **Notification Form.** Wisconsin Department of Natural Resources Form 4500-113 as amended from time to time.
- (4) **Regulated Asbestos-Containing Material.**
  - a. Friable asbestos material.
  - b. Category 1 nonfriable asbestos-containing material that has become friable or has become subjected to sanding, grinding, cutting or abrading.
  - c. Category 2 nonfriable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.
- (5) **Renovation.** Altering a residential facility or one or more residential facility components in any way, including the stripping or removal of regulated asbestos-containing material from a residential facility component.
  - (b) **Notification Form.** If a residential facility is being demolished, a notification form must be submitted to the Building Inspector along with the application for a building permit. The Building Inspector shall provide the notification form to the Department within 10 working days prior to the beginning of the renovation.
  - (c) **Residential Renovation.** If a residential facility is being renovated, when more than 160 square feet of regulated asbestos-containing material or more than 260 square feet of renovated asbestos-containing material will be disturbed, a notification form must be submitted to the Building Inspector along with the application for a building permit. The Building Inspector shall provide the notification form to the Department within 10 working days prior to the beginning of the renovation.
  - (d) **Other Renovations.** A notification form must also be submitted to the Building Inspector for all projects involving the removal of asbestos-containing material, regardless of category or quantity. The Building Inspector shall forward the notification form to the Department of Health Services, Division of Public Health, within 10 days of receipt.
  - (e) **Enforcement.** The person applying for the Building Permit is responsible for providing the Building Inspector with the Notification Form, and for determining if required to independently determine if regulated asbestos containing material is part of the residential facility. If a Notification Form is required, and not provided by the applicant, or if the Building Inspector discovers that a Notification Form should have been provided, the Village may impose a forfeiture against the applicant not to exceed \$500.00.



## SECTION 31.12 Demolition of Residential or Commercial Structure.

- (a) **Definitions.** For purposes of this Section, the following definitions apply:
  - (1) **“Demolition”** shall mean the wrecking or taking out of any load supporting structural member of a structure.
  - (2) **“Razing”** shall mean the process of leveling a structure to the ground.
- (b) **Permit Required.** In addition to the requirements of Section 31.11, no residential or commercial building shall be razed or demolished without a permit issued by the Village Building Inspector. The owner of the residential or commercial structure shall complete an application for a permit on a form prescribed by the Village Building Inspector and pay a fee as set forth on the Village Fee Schedule in order to obtain a demolition permit.
- (c) **Barricade.** A snow fence or other approved barricade shall be provided as soon as any portion of the building is razed, or demolition begins, and shall remain during all periods of time in which the permit is applicable.
- (d) **Clean Up.** After all razing operations have been completed, the foundation of the structure shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away.
- (e) **Removal of Debris.** All debris from any demolition or razing of a structure must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any building of materials on the site of the razed building. If any razing or demolition 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. The permittee shall take all necessary steps, prior to the razing or demolition of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread the migration of rodents and insects therefrom during and after the razing and demolition operations.
- (f) **Consent.** Prior to the issuance of a permit to raze an existing structure, the owner of the property shall sign a consent form through which the owner agrees to the following conditions:
  - (1) The owner shall excavate and expose the existing sanitary and water laterals on the property at the point where the laterals enter the public right-of-way.
  - (2) The owner shall notify the Director of Public Works at least 24 hours in advance and shall allow the Village entry on the property to plug the abandoned laterals.
  - (3) The owner shall backfill the excavation with supervision of the Village to ensure no damage is done to the lateral plugs by the backfill operation.

- (4) The owner shall pay a fee as set forth on the Village Fee Schedule per lateral to the Village Administrator/Clerk-Treasurer at the time of filing this form, to cover the cost for plugging each sanitary and/or water lateral.
- (5) The owner shall assume all responsibility for any damage done to persons or property due to the abandoning of any lateral.
- (6) The owner shall satisfactorily comply with the conditions of this Section within 60 days after the date on the "Request to Plug Abandoned Lateral" agreement form unless an extension of time and writing is granted by the Director of Public Works.
- (g) **Lapse.** Razing and/or demolition permits issued pursuant to this Ordinance shall lapse and be void unless the work authorized thereby is commenced within 6 months from the date of issuance or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Village Building Inspector.
- (h) **Penalty.** Any owner or operator who shall raze or demolish, or authorize or permit the razing or demolishing of any existing building as defined in this Ordinance without a permit from the Building Inspector shall forfeit not more than \$500.00 per day. The violation shall be deemed to continue, with each separate day to be considered a separate offense, until either of the following occurs:
  - (1) The demolition or razing is concluded pursuant to the terms set forth in the application; or
  - (2) The building is restored to its condition and appearance prior to demolition or razing.

**SECTION 31.13 Revocation of Permits, Certificates and Approvals.**

- (a) **Revocation.** The Building Inspector may revoke any building permit, heating, ventilating and air-conditioning (HVAC) permit, plumbing permit, electrical permit, certificate of occupancy, or approval issued under this article and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:
  - (1) Whenever the Building Inspector finds at any time that applicable ordinances, laws, orders, plans, and specifications are not being complied with and that the holder of the permit, certificate or approval refused to conform to such ordinances, laws, orders, plans, and specifications after written warning was issued to him or her.
  - (2) Whenever the continuance of any construction has become dangerous to life or property.
  - (3) Whenever there is any violation of any condition or provision of any application, permit, certificate or approval.
  - (4) Whenever, in the opinion of the Building Inspector, there is inadequate supervision on the job site.

- (5) Whenever any false statement or misrepresentation has been made in any application for a permit, certificate or approval or in any plans, drawings, data specifications, or certified lot or plot plan on which the issuance of a permit, certificate or approval was based.
- (6) Whenever there is a violation of any condition of an approval, permit, or certificate given by the Building Inspector for the use of all new materials, equipment, methods of construction, devices or appliances.
- (b) **Notice.** The notice revoking a building permit, HVAC permit, plumbing permit, or electrical permit or a certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, the owner of the premises, or upon his or her agent, if any, or on the person in charge of construction.
- (c) **Posting.** Upon revocation of a permit, approval, or certificate, the Building Inspector shall place a revocation placard upon the dwelling, structure, or premises.
- (d) **Construction Stayed; Permit Void.** After a revocation notice is served as aforesaid and is posted, it shall be unlawful for any person to proceed with any construction operation whatsoever on the premises, and the permit that has been revoked shall be null and void, and before any construction or operation is resumed, a new permit, as required by this chapter, shall be procured and fees paid. Thereafter the resumption of any construction or operation shall be in compliance with this chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the Building Inspector may require for the preservation of life and safety.

#### **SECTION 31.14 Enforcement and Penalties.**

- (a) No person, entity or firm may construct, remodel, demolish or repair any structure in a manner which violates any provisions of this Chapter.
- (b) **Penalties.** Any person, firm or entity which violates a provision of this Chapter shall, upon conviction, forfeit not less than \$25.00 no more than \$1,000 for each day of non-compliance, together with the costs of prosecution. Each day of non-compliance may be treated as a separate violation.
- (c) 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 timeframe established by the Building Inspector.
- (d) Compliance with the requirements of this Chapter is necessary to promote the safety, health and wellbeing of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this Chapter shall constitute a public nuisance that may be enjoined in a civil action.

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