

ORDINANCE NO. 2009-1

**AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE NO. 97-1
CREATING THE OFFICE OF BUILDING INSPECTOR AND ESTABLISHING
REGULATIONS CONCERNING BUILDING CODES, PERMITS, AND
INSPECTIONS FOR THE TOWN OF TROY**

WHEREAS, Town of Troy Ordinance No. 97-1 establishes the office of Building Inspector for the Town of Troy and establishes regulations pertaining to building codes, building permits, and further establishes penalties for violation of its provisions; and

WHEREAS, the Town Board wishes to revise the regulations pertaining to building permits and inspections for the Town of Troy;

NOW, THEREFORE, the Town Board for the Town of Troy, County of Walworth, Wisconsin, do hereby ordain as follows:

SECTION 1: Ordinance No. 97-1, of the Town of Troy ordinances is hereby repealed and recreated to read as follows:

I. Authority and Purpose.

This Ordinance is adopted under the authority granted Section 101.65 of the Wisconsin Statutes.

II. Authority and Purpose.

The purpose is to promote the public health, safety, and welfare and to establish minimum standards for construction, design, alteration, use, and occupancy of buildings and structural alterations.

III. State Regulations Adopted.

The following chapters of the Wisconsin Administrative Code, and any amendments, revisions or modifications thereto, are hereby adopted and incorporated by reference into 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 hereby required or prohibited by this Ordinance in the same manner and to the same extent as set forth in the applicable Administrative Code provision.

Comm 16, Electrical Code,
Comm 20 through 25, Uniform Dwelling Code,
Comm 61 through 65, Commercial Building Code,
Comm 66, Multifamily Code,
Comm 70, Historic Building Code,
Comm 75 through 79, Existing Building Code,
Comm 81 through 86, Plumbing Code.

IV. Permits Required.

A. Compliance, Prior Permit Required.

1. No person shall erect, construct, enlarge, alter, repair, remove, demolish, convert, use or occupy any building or structure or portion of any building or structure; or to cause or allow the same to be done, without complying with the provisions of this ordinance. This applies to contractors and property owners.

2. Prior to commencing any of the work listed in Section IV(B) below, the owner or the property on which the work is performed, or the agent of the owner, shall obtain all appropriate permits in accordance with the provisions of this Ordinance.

B. Permits are required for the following:

1. Construction of any new building/structure;
2. Construction of any addition to an existing building/structure;
3. Construction or replacement of any deck guardrails;
4. Construction, structural alteration, or repair of any detached garage or accessory structure;
5. Installation of major building equipment including furnaces, central air conditioners and other major pieces of equipment;
6. Installation of plumbing, heating, ventilation, air conditioning, electrical, or gas supply systems;
7. Installation, alteration, or repair of any electrical or plumbing service;
8. Razing or moving of any building/structure;
9. Agricultural buildings; and
10. Changes in use of any building or structure when the requirements or the proposed use are, in any way, more stringent than the requirements for the existing use.
11. Installation of any swimming pool with electric.

- C. Exemptions from Permits. Notwithstanding the provisions of Sections IV (A) and (B) of this Ordinance, no permit is required under this Ordinance for residing, window replacement, except in a kitchen or bathroom, reroofing of up to two (2) layers, finishing of interior surfaces, and repairs determined to be minor, non-structural repairs by the Building Inspector.
- D. Expiration. Uniform Dwelling Code permits shall be valid for twenty-four (24) months from the date of issuance by the Building Inspector. All other permits issued under this Ordinance shall be valid for twelve (12) months from the date of issuance.
- E. Posting. The property owner shall post the permit(s) on the outside of the subject building in a location visible from the street and continue such posting from the time of the permit's issuance until the project is completed.

V. Design and Construction Standards.

- A. Compliance Required. No new construction of any building/structure, and no addition, alteration or repair to an existing one-family or two-family dwelling not deemed minor repair by the Building Inspector shall be undertaken except in compliance with this Ordinance.
- B. Scope of Uniform Dwelling Code. Wisconsin Administrative Code Chapters Comm 16, 20 through 25, 70 and 81 through 86 are adopted as the standards for the design and construction of the following structures:
 - 1. New construction of all 1-and 2-family dwellings;
 - 2. Existing buildings that have been used for purposes other than 1-or 2-family dwellings being converted to a 1-or 2-family dwelling;
 - 3. Additions, alterations, and major equipment replacements to 1-and 2-family dwellings constructed prior to June 1, 1980;
 - 4. Decks, whether attached to a building, or detached; and
 - 5. Detached garages and accessory buildings.
- C. Private Swimming Pools.
 - 1. All private swimming pools shall conform to the plumbing and electrical code provisions of the Uniform Dwelling Code. An electrical permit shall be required.
 - 2. No swimming pool shall be located under any overhead utility lines or over any underground utility lines.
 - 3. Enclosure Required. Every private swimming pool subject to this Section shall, before being filled, be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not

readily climbable by small children. All gates shall be self-closing and self-latching. The main building, or any accessory structure, on the site may form part of the enclosure. Any main building or accessory structure that forms a part of the enclosure shall have self-closing and self-latching doors on any door that leads directly to the pool area unless a fence as required in this section is provided between the door and the pool. The sides of above ground pools are acceptable as enclosures, provided, that the sides extend not less than four (4) feet above the outside ground at all points, and provided further, that access steps or ladders are capable of being rendered inaccessible by being removed or raised more than four (4) feet above the outside grade.

D. Fences. All fences 4-feet or more above grade shall be constructed to withstand a 150-pound load in any direction. The finished, aesthetic side of all fences shall be oriented towards the adjacent properties.

E. Agricultural Buildings. All agricultural buildings shall be designed and constructed to conform to Wisconsin Administrative Code Chapters Comm 61 through 65.

F. Alternate Materials and Methods. Nothing in this ordinance is intended to prohibit the use of alternate materials or methods of construction not specifically mentioned where such alternate materials or methods may be utilized in compliance with applicable provisions of the Wisconsin Administrative Code. Any alternative material or method must first be approved by the Building Inspector. Any request for an alternative material or method shall be accompanied by evidence demonstrating the proposed alternate performs in a manner equal to the materials or methods required under this Ordinance. The Building Inspector may require tests or independent engineering analysis to be performed to substantiate claims regarding the adequacy of the proposed material or method, with costs for such analysis paid for by the applicant.

VI. Razing and Moving Buildings.

A. Permit Required. No person shall demolish or move any structure in the Town that exceeds 500 square feet in floor area, or cause such demolition or movement, without first applying for and obtaining a permit from the Building Inspector.

B. Regulations for demolition of a structure shall be as follows:

1. The site of any demolished structure shall be properly cleared of debris, rubbish, and pavement, and graded and leveled to conform to the adjoining grade. Excavations shall be filled and graded within 30 days after demolition is complete. Thereafter, such site shall be

immediately seeded or sodded to prevent erosion unless an extension is obtained from the Building Inspector.

2. The following materials shall not be used as fill:
 - a. Materials that deteriorate,
 - b. hazardous or toxic substances,
 - c. materials containing asbestos, and
 - d. any other material that cannot be buried under applicable state or federal law or regulation.
3. No person shall fill an excavation without informing the Building Inspector of the event and giving the Inspector 72 hours to inspect the excavation and view the material to be used as fill. After the site has been filled, graded, and seeded or sodded the Building Inspector shall again inspect the site for compliance with these regulations.

C. Regulations for moving a building shall be as follows:

1. No person shall move any building in the Town that exceeds 500 square feet in floor area without complying with all of the regulations within this section.
2. No person shall move any building under this Section without having first paid a cash deposit to the Town in an amount determined by the Town Board sufficient to pay for damage to Town roads caused by the move.
3. No person shall move a building that the Building Inspector determines is:
 - a. Not in a structural condition to withstand the proposed move; and/or
 - b. Cannot meet the provisions of this ordinance after the move including, but not limited to, proposed alterations after the move is complete.
4. Movement of any building shall be accomplished in a continuous fashion and without any interruption so as to cause as little disruption to traffic as possible.
5. Any damage to any Town road(s) resulting from the movement of any building shall be repaired by the applicant in accordance with applicable Town specifications. Failure by the applicant to complete all necessary repairs, or failure by the applicant to complete such repairs in accordance with all applicable Town specifications to the satisfaction of the Town Engineer, within 10 days of the movement of such building shall result in the Town making all repairs and charging all of the Town's costs, including labor, materials, engineering, and legal costs to the applicant. Such costs shall first be deducted from the cash

deposit provided by the applicant. Any deposit in excess of the Town's costs shall be refunded. If the Town's costs exceed the amount of the cash deposit, the applicant shall pay any excess costs to the Town within 30 days of the Town's invoice. Upon the applicant's failure to provide payment for any excess costs under this section, the same shall be assessed as a special charge against the subject property in accordance with Wis. Stat. § 66.0627.

VII. Administration of Ordinance

A. Inspectors Appointed.

The Town Board shall appoint a certified Building Inspector, Electrical Inspector, and Plumbing Inspector and shall have the general management and control over all matters pertaining to each of the respective position(s). The Inspectors may appoint subordinate inspectors who are certified to perform the required inspections. When an application for unusual technical design or magnitude of construction is filed, the Inspector may refer the plans and specifications to the Department of Commerce for analysis and recommendations regarding safe design and compliance with this ordinance.

B. Duties of Inspector(s).

The Inspector(s) shall administer and enforce all provisions of this Ordinance and the Wisconsin Administrative Code provisions adopted hereunder, perform all tasks required by the Wisconsin Department of Commerce under all codes covered under Comm. 20.09, and keep records of all applications, plans and permits and fees.

C. Powers of Inspector(s).

Upon application for a permit, the applicant authorizes the Inspector(s) and authorized subordinates to enter upon any private or public premises for inspection purposes and may require the production of the permits. No person shall interfere with or refuse access to the premises to the Inspector(s) or subordinate(s) while they are acting in the performance of their official duties. If consent to entry to personal or real properties for inspection purposes has been denied, the Inspector shall, with the aide and assistance of the Town Attorney, obtain a special inspection warrant under Wis. Stat. §§ 66.122 and 66.123.

D. Submission of Plans.

Two sets of building plans shall be submitted to the Inspector(s) for any work requiring a permit under this ordinance provided, however, that the Inspector(s) may, in his or her discretion, require the applicant to submit a third set of plans. If a new structure or addition is proposed, the applicant shall also submit an accurate plot plan or survey map drafted by a registered land surveyor showing the proposed work, existing buildings and

lot lines. The Inspector(s) shall review the plans and maps for completeness and compliance with this Ordinance.

E. Fees.

At the time an applicant files an application the applicant shall pay the applicable fee(s) as established by motion from time to time by the Town Board. In addition to any other remedy available to the Town under applicable law, double fees may be imposed in the event work is conducted without a permit required under this Ordinance.

F. Issuance of Permit.

The Inspector(s) shall issue the requested permit if the Inspector(s) finds that the proposed work complies with all state, county Town requirements are complied with and additional information requested by the Inspector(s) is provided.

G. Inspections.

1. The Inspector(s) shall perform the following inspections within 2 business days or an agreed upon longer time after receiving a request from the applicant, contractor or property owner:

- a. footing and foundation;
- b. rough carpentry,
- c. rough HVAC,
- d. rough electric,
- e. rough plumbing; and
- f. basement drain tile.

2. Failure to obtain inspections.

A. Construction shall not proceed beyond the point of inspection until the inspection has been completed unless the Inspector(s) fails to make an inspection listed in Section VII(G), above, within the time allotted within that Section.

B. When an improvement subject to this Ordinance has been made without the owner, applicant or contractor calling for an inspection or in advance of the allotted time for inspection and when the Inspector(s) cannot examine the concealed work the Inspector(s) may require the property owner make the work visible to the Inspector(s); withhold the occupancy permit or issue a permit upon the certification of a registered professional engineer and all owners that the work complies with this Ordinance and that the owners agree to indemnify and hold the Town and its agents and successors harmless from all liability arising out of the construction of the improvement.

H. Stop Work Order.

The Inspector(s) may issue a stop-work order when such work is being done in violation of any provision of the Town Ordinances. No work shall thereafter be resumed except upon written permission of the building inspector or the Board of Adjustment for the Town of Troy.

I. Occupancy Permit.

If the Inspector(s) finds that all work has been performed in compliance with all applicable State, County, and Town statutes, ordinances, rules, and regulations, the Inspector shall issue an occupancy permit. No person may occupy any structure in the Town until an occupancy permit has been issued. If the Inspector(s) find minor matters not complying with this ordinance that are not matters of health and safety, the Inspector may issue a temporary occupancy permit for not more than 90 days. After the grace period for a temporary occupancy permit, the noncompliance shall either be corrected or the premises shall not be occupied until full compliance is obtained and an occupancy permit issued.

J. Occupancy Bond

No building permit required by this ordinance shall be issued unless the application is accompanied by a deposit of money to be held by the Town treasurer in amounts to be determined by the Town Board by motion from time to time. If the structure is occupied prior to issuance of an occupancy permit the Town Board may order the bond be forfeited in the amount of the Town's costs of enforcement. If the Inspector issued the occupancy permit prior to occupancy of the structure then the Inspector shall request the bond be returned to the person who paid the bond.

VIII. Liability.

No part of this ordinance shall be construed as assuming liability on the part of the Town or its Inspectors or agents for damage or injury of any kind to any person or property by reason of a defect in any building or structure issued a permit under this Ordinance.

IX. Violations.

A. Any person who fails or neglects to comply with an order of an Inspector(s) issued under this Ordinance shall be guilty of a violation of this ordinance and each day of each violation shall constitute a separate offense.

B. Any person violating any provision of this Ordinance shall upon conviction be subject to a forfeiture of not less than \$100.00 nor more than \$1000.00 plus the costs of prosecution for each violation per day.

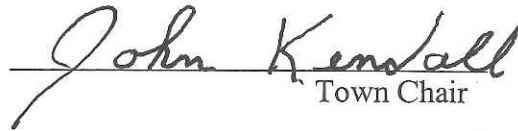
C. Nothing in this Ordinance shall preclude the Town from commencing or maintaining any action to prevent or remove a violation of any provision of this Ordinance.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law

Adopted this 10TH of JUNE, 2009.

TOWN OF TROY


Town Chair

Attest:

 Town Clerk