

Title 15

Building Code

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CHAPTER 1

Building, Plumbing, Electrical and HVAC Codes

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SEC. 15-1-1 TITLE.

The regulations in this Chapter shall be known and cited as the “Caledonia Building Code.” The Caledonia Building Code shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

SEC. 15-1-2 SCOPE OF CHAPTER.

The provisions of this Code shall govern the design, Construction, alteration, demolition and moving of all buildings and structures.

SEC. 15-1-3 APPLICATION OF STATE CODES.

- (a) **Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code.** The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code, Chapters IND 50 through 57 and IND 60 through 64, both inclusive, and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said Code is on file in the office of the Town Clerk.
- (b) **Wisconsin Uniform Dwelling Code.** The Wisconsin Uniform Dwelling Code, chapter ILHR 20 through 25, inclusive, and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one (1) and two (2) family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of the various Chapters of the Wisconsin Uniform Dwelling Code. A copy of said Code is on file in the office of the Town Clerk.
- (1) Authority. These regulations are adopted under the authority granted by Sec. 101.65, Wisconsin Statutes.
- (2) Purpose. The purpose of this section is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- (3) Scope. The scope of this section includes the construction and inspection of one- and two-family dwellings built since June 1, 1980 and new camping units as defined in Wis. Admin. Code § 327.08(9). The Village previously adopted the Wisconsin Uniform Dwelling Code and this ordinance updates the local code to comport with the most recent version of uniform State Codes. To the extent any provision of this Section conflicts with another section of the Municipal Code, the most restrictive provision shall apply.
- a. Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code §§ SPS 320.19 and 320.21, respectively, shall be decided by the Zoning Board of Appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned.
- b. Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be under the jurisdiction of the Zoning Board of Appeals.

- (4) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, § SPS 320-325 and § SPS 327, and their successors, 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.
- (5) Building Inspector. The Building Inspector, pursuant to Sec. 15-1-5, shall administer and enforce this ordinance and shall be certified by the Division of Industry Services, 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, and UDC Plumbing.
- (6) Building Permit Required. Building permits are required in accordance with the Wisconsin Uniform Dwelling Code and this Chapter. Application of the Code requirements are set forth in this Chapter and specifically under Sections 15-1-4 (d) and (e), 15-1-6 and 15-1-29 of this Chapter.
- (7) Building Permit Fee. The building permit fees shall be determined by resolution of the Village Board from time-to-time and shall include the applicable fee per Wis. Admin. Code Ch. SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Admin. Code § SPS 327.09 and inspection fees as outlined within Wis. Admin. Code § 327.10(3) will also be included in this resolution.
- (8) Enforcement; Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, increased permit fees, imposition of forfeitures and injunctive action. Enforcement procedures and penalties shall be imposed pursuant to Sec. 15-1-29 of this Title.
- (9) Log. The Building Inspector(s) shall keep a log of all inspections completed.

SEC. 15-1-4 APPLICATION OF CALEDONIA BUILDING CODE.

- (a) **General Applicability.** All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code.
- (b) **Zoning Laws.** No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.
- (c) **Buildings Covered.** Construction requirements of the Uniform Dwelling Code shall apply to all new residential buildings not covered under Section 15-1-3.
- (d) **Existing Buildings.** This code shall also apply to buildings and conditions described in this Section as follows:
 - (1) Existing Buildings Not Previously Occupied. An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) Repaired Structure. An existing structure that is repaired, when the cost of such repairs exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the assessor of the Town. This provision is limited to situations where the structure is to be repaired and the costs of such repairs would exceed fifty percent (50%) of the equalized value of the structure.
 - (3) Additions. Additions and alterations, regardless of costs, made to an existing building shall comply with the requirements of this Code. The provisions of Subsection (e) of this Section shall also apply.

- (4) Roof Coverings. Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Code.
- (e) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- (1) Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but not of nonconforming type of construction, which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Code applicable to such occupancy and use and given type of construction.
- (2) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do 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 do not increase a given occupancy and use shall be deemed minor repairs.
- (3) Alterations; When Not Permitted. When an existing building or structure which, for any reason whatsoever does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, it is a rebuttable presumption that such structure constitutes a public nuisance; no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
- (4) Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength, failing in which the building or structure shall be considered a menace to public safety and shall be vacated; and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.
- (5) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (6) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary, dilapidated, deteriorated, or out of repair as to be unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

SEC. 15-1-5 DEPARTMENT OF BUILDING INSPECTION.

- (a) **Creation.** There is hereby created the Department of Building Inspection. The Building Inspector appointed by the Town Board shall act as head of this Department.

- (b) **Duties.** The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He shall make periodic inspection of existing public buildings to determine their safety. He shall make inspections at the site of buildings damaged by any cause whatsoever to determine the safety of buildings affected thereby.
- (c) **Rights.** The Building Inspector or his authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit of any building, plumbing, electrical or heating work being done or the required license therefor. The Building Inspector is authorized to obtain inspection warrants to gain access to any such buildings, if necessary.
- (d) **Records.** There shall be kept in the department of Building Inspection a record of all applications for building permits in a book for such purpose, and each permit shall be regularly numbered in the order of its issue. Also, a 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 buildings in the various classes shall be kept. There shall be kept in the Department of Building Inspection a record of all inspections made and of all removal and condemnation of buildings and a record of all fees collected showing the date of their receipt. The Building Inspector shall make a written annual report to the Town Board relative to these matter.

SEC. 15-1-6 PERMITS; ISSUANCE PROCEDURE; REVOCATION.

- (a) **Permits Required.** No building or structure of any kind thereof shall hereafter be built, enlarged, altered or demolished within the Town or moved into, within or out of the Town except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. Permits required are as follows:
 - (1) Building.
 - (2) Air conditioning.
 - (3) Wrecking or razing.
 - (4) Heating.
 - (5) Moving of buildings.
 - (6) Occupancy.
 - (7) Reroofing and residing.
 - (8) Other permits as required by the Town.
- (b) **Application for Permits.**
 - (1) General Requirement. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and he owner of the land on which it is to be erected, the name and address of the designer and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number hereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector two (2) complete sets of plans, specifications and three (3) copies of a survey.
 - (2) Survey. The survey shall be as provided in Section 15-1-20.
 - (3) Plans and Specifications.

- a. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:
 1. All elevations.
 2. All floor plans.
 3. Complete construction details.
 4. Fireplace details [three-fourths (3/4) inch per foot] showing a cross-section of fireplace and flues.
 5. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
 - b. All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public records or may destroy them.
- (c) **Waiver of Some Requirements.** At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
- (d) **Seal of Registered Engineer or Architect.** All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one (1) and two (2) family residences, containing more than fifty thousand (50,000) cubic feet, total volume, submitted with an application for permit shall bear the seal of the registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department of Industry, Labor and Human Relations of the State of Wisconsin. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer with the Building Inspector with the application for permit.
- (e) **Drainage.**
- (1) Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe as shall be determined by the Town, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
 - (2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for

conveyance, of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling via gutters and downspouts to the ground in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.

- (3) Certification of Footing Elevations and Location of Culverts. After the forms for the footings are prepared, and before such footings are poured, the Town shall be presented with certification from a surveyor or engineer registered by the State of Wisconsin of the following:
- a. That the actual elevation of the footings are in conformity with the original plan submitted by the applicant and approved by the Town, and with the grades set by the Town Engineering Department;
 - b. That the actual location of the footings are in conformity with the setback distances of the original plans as submitted by the applicant and approved by the Town; and
 - c. The invert of the culvert and the location of the culvert as compared to the edge of the roadway pavement and the lot line.
- (f) **Building Inspector to Issue Permit.**
- (1) Issuance. If the Building Inspector finds that the proposed building will comply in every respect with this Code, other Town ordinances, and all laws of the State of Wisconsin and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.
 - (2) Partial Permit. In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the Town or laws of the State of Wisconsin or lawful orders issued pursuant thereto.
 - (3) Site Approval. For the construction of buildings requiring approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.
 - (4) Highway Access. If the land does not abut upon a public highway which has been laid out, constructed and improved as required by the ordinances of the Town of Caledonia, the Building Inspector shall deny such permit. If the land abuts upon more than one (1) public highway, all such highways shall have been laid out, constructed and improved as required by the ordinances of the Town as a condition to the issuance of a building permit. If the land abuts upon a public highway which is less than four (4) rods in width, the Building Inspector shall deny such permit unless any such highway of lesser width has theretofore been laid out, constructed, improved,

accepted and used by the governmental unit having jurisdiction over such public highway. Any such application denied by the Building Inspector shall be referred by him to the Town Board, and the Building Inspector shall deny such permit unless and until the applicant shall comply with the requirements of the Town Board as to the dedication of additional right-of-way reasonably required to create a four (4) rod public highway.

(5) Residence Area Requirements -- Single Family. No building permit shall be issued for the construction of a single-family residence in the Town which shall have an area of less than the following:

- (6) a. If constructed with a basement:
1. Nine hundred (900) square feet for a two (2) bedroom home.
 2. One thousand (1,000) square feet for a three (3) bedroom home.
 3. One thousand two hundred (1,200) square feet for a four (4) bedroom home.
- b. If constructed without a basement:
1. One thousand (1,000) square feet for a two (2) bedroom home.
 2. One thousand one hundred (1,100) square feet for a three (3) bedroom home.
 3. One thousand three hundred (1,300) square feet for a four (4) bedroom home.

(7) Residence Area Requirements -- Two Story. Two (2) story residences and residences with expandable second floors shall have a minimum of eight hundred (800) square feet on the first floor. The building area shall be computed on the basis of the outside dimensions of the building on each floor, but exclusive of nonliving areas, such as garages, breezeways, porches, attics and basements or any portions with less than five (5) feet of head room.

(8) Yard Elevation. No building permit shall be issued for any proposed new building with a final yard elevation which is not from twelve (12) to eighteen (18) inches, inclusive, above the existing roadway or road grade, if established, provided that if the local topography or special conditions require otherwise, a building permit may issue for a building with a final yard elevation at variance with the guidelines if the Town Engineer determines that such issuance shall not be detrimental to the health, safety or welfare of the Town, any occupant or owner thereof, or any adjoining property. The yard elevation is defined as the elevation around the immediate perimeter of the proposed structure.

(g) **Architectural Control.**

(1) Purpose and Compliance. In order to protect public health, safety and general welfare and to maintain the taxable value of buildings and land in the Town, no building or structure shall hereafter be erected, moved, reconstructed or altered in the Town for which a building, moving or other permit is required under this Code without architectural approval as herein provided.

(2) Standards. No such permit shall be approved if, after an examination of the site of the proposed construction and the surrounding neighborhood and after examination of the application papers, it is found by the Town Board that the exterior architectural appeal or functional plan of such building or structure, after completion of such proposed work, shall be so at variance with either the exterior architectural appeal or

functional plan of the building already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district established by the zoning ordinances thereto applicable as to cause a substantial depreciation in the property values of said neighborhood within said applicable district.

- (3) Preliminary Determination. The Building Inspector shall initially determine whether the standards provided in Subsection (g)(2) above have been met, provided, however, if he is uncertain, if he decides the standards have not been met, or if a Town Board member or an adjoining property owner requests, such application for permit shall be submitted to the Town Board for determination.
- (4) Hearing and Final Determination. The Town Board may, if it desires, hear the applicant for the permit in question and/or the owner of the lot on which it is proposed to make or to move the structure in question, together with any persons, whether residents or property owners, desiring to be heard, giving such notice of hearing as it may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required in Subsection (g)(2) hereof. The Town Clerk shall thereupon serve or mail a copy of such findings upon the Building Inspector and the applicant. Thereupon the Building Inspector shall issue or refuse to issue the permit in accordance with the determination of the Town Board.

(h) **Inspector May Revoke Permits.**

(1) Revocation.

- a. The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code 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 there is a violation of any regulations of this Code or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.
 2. Whenever the continuance of any construction becomes dangerous to life or property.
 3. Whenever there is any violation of any condition or provision of the application for permit, or of the permit.
 4. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.
- b. Prior to revocation of any permit, the Building Inspector shall give the permittee notice of the proposed revocation and the reasons therefor and shall give the permittee an opportunity to be heard on whether or not the permit should be revoked.

(2) Revocation Notice.

- a. The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the application for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - b. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
 - c. 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 which has been so revoked shall be null and void; and before any construction or operation is again resumed, a new permit as required by this Code shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Code.
- (i) **Fees; Proof of Payment.**
- (1) Before receiving a building permit, the owner or his agent shall pay the fee specified in Section 15-1-23. In applying the provisions of this Code in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs, or as otherwise provided in the Town ordinances.
 - (2) No building permit shall be issued for any proposed building or construction unless proof is furnished satisfactory to the Building Inspector showing payment of any and all permits, connection charges or fees required or imposed by any Town sanitary district or Town utility district as a condition of the connection of such building or construction to the public sewer or water system of such Town sanitary district or Town utility district or as a condition of other approval required under any provision of this Code of Ordinances.
 - (3) Before issuance of a building permit hereunder, the park fee shall be paid as provided in Section 15-1-26.

SEC. 15-1-7 APPROVED PLANS; PLAN ALTERATION; PERMIT LAPSES.

- (a) **Posting of Permit.** A weatherproof card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction.
- (b) **Plan Alteration Approval Required.** After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Code.
- (c) **Lapse of Permit.**
 - (1) The building permit shall become void unless operations are commenced within four (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of applicant.
 - (2) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within twenty-four (24) months from the date of issuance of the permit.

SEC. 15-1-8 REGULATIONS FOR MOVING BUILDINGS.

- (a) **General.** No person shall move any building or structure upon any of the public rights-of-way in the Town without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall, be continued.
- (b) **Moving Damaged Buildings.** No buildings shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value; and no permit shall be granted to repair, alter or move such building within or into the Town.
- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and day by day until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
- (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Town Highway Foreman, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, said Town Board shall repair the damage done to such streets and highways and hold the person obtaining such permit and the sureties on his bond responsible for the payment of the same.
- (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Town and to establish it upon a location within the Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector; and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when the same are completed the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (f) **Bond.**
 - (1) Before a permit is issued to move any building over any public way in the Town, the party applying therefor shall give a bond to the municipality in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal

sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with claims for damages to any persons or property and the payment of any judgment, together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.

- (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling onto such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erected adequate barriers and within forty-eight (48) hours filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (g) **Insurance.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one (1) accident in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.
- (h) **Architectural Approval.**
 - (1) No such permit shall be issued unless it has been found as a fact by the Town Board by at least a majority vote after an examination of the application for the permit, which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located that the exterior architectural appeal and functional plans of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood for the character of the applicable district established by the zoning ordinances governing the Town, or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the stone, he shall submit with his application papers complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a bond to the Town Board, which shall not be less than One Thousand Dollars (\$1,000.00) to be executed in the manner provided in Subsection (f) hereof to the effect that he will, within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other application ordinances of the Town. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he shall request a meeting of the Town Board to consider applications for moving permits which he has found comply in all respects with all other ordinances of the Town. The Town Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required by this Subsection and file it in the office of the Town Clerk who shall send a copy of it to the Building Inspector.

SEC. 15-1-9 RAZING THE BUILDINGS.

- (a) The Building Inspector is hereby authorized to act for the Town under the provisions of Sec. 66.05 of the Wisconsin Statutes relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The Town Treasurer is authorized to place the assessment and collect the special tax as therein provided.
- (b) Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.
- (c) **Procedure.** No permit to raze a building, as defined in Section 66.0413 of the Wisconsin Statutes, shall be issued by the Town Building Inspector without the prior approval of the Town Board, unless the building to be razed is in such a condition that, in the opinion of the Building Inspector, it poses a serious threat to residents of the property or to the public's health or safety. The Town Board may lay over any request for a raze permit for up to sixty (60) days to allow time for an investigation into the historical significance, if any, of the building to be razed.

SEC. 15-1-10 INSPECTIONS.

- (a) **Notification; Inspections.** Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:
 - (1) Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.
 - (2) Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit. Recertification of the footings and foundation location and elevation shall be provided to the Building Inspector prior to pouring concrete.

- (3) Inspection of all wall, floor and roof framing, fire stopping and bracing when completed and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.
 - (4) Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile and forms.
 - (5) and forms.
 - (6) Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final
 - (7) inspection shall be made by the Building Inspector; and until such building,
 - (8) structure or equipment is in compliance with all the requirements of this Code and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this Code, a certificate of occupancy shall be issued.
- (b) **Coordinated Inspections.** All provisions of the laws and regulations of the Town and of legally adopted rules of local fire and health officials in respect to the operations, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.
- (c) **Certified Report.** The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Code, approved plans, specifications, terms of the permit and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.
- (d) **Appeals.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Town Board within twenty (20) days after written notice of such ruling shall have been delivered to him. Such appeal is to be in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order or ruling is erroneous or illegal. Said notice of appeal shall be filed with the Clerk shall thereupon notify the Building Inspector of said appeal, and the appeal shall be heard at the next meeting of the Town Board. The Town Board, after consideration thereof, shall affirm, reverse or modify said ruling as is just in the premises. The ruling or order to the inspection shall be enforced until changed by the Town Board.
- (e) **Disclaimer on Inspections.** The purpose of the inspections under this Chapter is to improve the quality of housing in the Town. 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 under this Chapter: "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.

SEC. 15-1-11 STOP-WORK ORDER.

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

SEC. 15-1-12 CERTIFICATE OF OCCUPANCY.

(a) **Inspections.**

- (1) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. The Building Inspector's stamp of approval on the fuse box shall constitute the certificate of occupancy.
- (2) No building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(b) **Use Discontinued.**

- (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Code.
- (2) Any building, structure or premises, or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.

(c) **Change of Occupant or Use.** It shall be unlawful to allow a change in the occupant or use of a structure, such as, but to limited to, a commercial building, industrial building, retail facility, manufacturing plant, facility, warehouse or office structure without first obtaining an occupancy permit from the building inspector. The permit shall be issued only after the structure has been inspected by the building, plumbing and electrical inspectors, as well as the fire and health departments to ensure compliance with all applicable municipal and state codes.

(d) **Hardship.** The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality prior to issuance of an occupancy certificate in all such cases of hardship as, in his judgment and discretion, warrant occupancy before the final stage of completion as set forth in this Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such building or structure can be completed, such time should not exceed one hundred twenty (120) days

SEC. 15-1-13 GENERAL UNIFORM BUILDING CODE REQUIREMENT.

Except as otherwise provided herein, all buildings in the Town of Caledonia shall be constructed in accord with Chapters III, IV, V, VI, VII, VIII, IX, X, XI and XII and Table No. 1 of the Wisconsin Uniform Building Code, as revised, prepared by the Building Inspectors Association of the State of Wisconsin, which provisions are incorporated herein by reference and made a part hereof; provided, however, that the garage area restrictions of Section 30.43(3) thereof shall only apply to garages for residential properties; and further provided, that any garage or accessory building of over 250 square feet shall have a concrete slab which shall meet the requirements of Section 30.43 of the Wisconsin Uniform Building Code.

SEC. 15-1-14 WISCONSIN ELECTRICAL CODE.

Except as hereinafter provided, the electrical code of the Village of Caledonia shall be the Wisconsin Electrical Code as promulgated by the Wisconsin Department of Safety and Professional Services, Division of Industry Services, as amended by from time-to-time, under the authority delegated by the Wisconsin Statutes and previously as promulgated by the Wisconsin Department of Industry, Labor and Human Relations.

SEC. 15-1-15 ELECTRICAL INSPECTIONS; ELECTRICAL INSPECTORS; STATE ELECTRICAL CODE ADOPTED.

- (a) **State Electrical Code Adopted.** Chapter SPS 316 of the Wisconsin Administrative Code and all amendments thereto are hereby adopted and made part of this Chapter and a copy shall be kept on file of the office of the electrical inspectors. To the extent of any conflict between this code and the State's administrative code, the administrative code section shall control.
- (b) **Residential Electrical Inspector.** A residential electrical inspector shall be appointed by the Public Works Director, shall be a part of the Public Works Department and be under the direction of the Public Works Director. The residential electrical inspector shall have a certification per Chapter SPS 305.63, Wis. Adm. Code. Wis. Stat. § 101.875(1). The residential electrical inspector may be provided with the assistance of such additional persons as the Public Works Director may direct. The residential electrical inspector shall have authority to enforce the provisions of this Chapter with respect to single family dwelling units and two-family dwelling units (duplexes).
- (c) **Commercial Electrical Inspector.** An electrical inspector shall be appointed by the Public Works Director. The commercial electrical inspector shall have a certification per Chapter SPS 305.62, Wis. Adm. Code. Wis. Stat. § 101.875(1). The commercial electrical inspector may be provided with the assistance of such additional persons as the Public Works Director may direct. The commercial electrical inspector shall have authority to enforce the provisions of this Chapter as to all electrical work except single-family dwelling units and two-family dwelling units (duplexes), unless requested by the Public Works Director to assist the residential electrical inspector. The commercial electrical inspector shall receive

compensation as per a contract with the Village and the Village Administrator shall have authority to approve such contract in accordance with the Village's procurement ordinance.

- (d) **Authority To Discontinue Electric Operation.** The electrical inspectors may authorize the disconnection of all electrical currents to any wiring or equipment which is found to be in an unsafe condition or to any electrical service where such electrical currents are a hazard to life or property. No person shall reconnect any electrical wiring or equipment without authorization from the electrical inspectors.
- (e) **Licensing Requirements.** No person or entity may engage in the business or offer to engage in the business of installing, repairing or maintaining electrical wiring unless the person or entity holds a license or certification issued per sub. (f) and (g).
- (f) **Electrical Contractor Defined.** An electrical contractor is a person or firm that may engage in the business of or offer to engage in the business of installing, repairing, or maintaining electrical wiring and holds a license or certification issued per Chapter SPS 305.41. Reference: Wis. Stat. § 101.862
- (g) **Electrician Defined.** A person that holds a license or registration issued per Chapter SPS 305.40. Reference: Wis. Stat. 101.80.
- (h) **Owner-Occupied.** A residential property owner who installs, repairs or maintains electrical wiring on premises that the owner owns and occupies as a residence shall not be required to hold a license or certification per sub. (f) or per sub. (g). However, an owner-occupied property owner shall not be allowed to perform any of the following electrical work: Installation, repair, alteration or replacement of meter housing and meter pedestal.

Note: A new dwelling being constructed cannot be designated owner-occupied until final inspections are completed and occupancy allowed. An existing dwelling unfit for human habitation cannot be designated owner-occupied.

- (i) **Permits.** An electrical permit is required prior to the installation, repairing, alteration or maintenance of electrical wiring utilizing the form required by the Village, including the payment of applicable permit fees, except as specified below:
 1. Minor repairs made necessary for proper maintenance of an existing electrical installation provided there are no alterations or extensions of the existing circuit.
 2. Replacement or repair of light fixtures, receptacles, switches or other similar devices provided there are no alterations or extensions of the existing circuit.
 3. Reconnecting, installation, repair or replacement of machines, tools, process equipment and apparatus used in commercial, manufacturing and industrial facilities provided there are no alterations to the existing circuit.
- (j) **Inspections.** Inspections performed shall be of the following types. Reference: SPS 316.940
 - (a) A rough electrical inspection before the electrical work is concealed.
 - (b) A re-inspection of the electrical work if applicable.
 - (c) A final inspection of the electrical work.
 - (d) An electrical service. Reference: SPS 316.950
- (k) **Right Of Entry.** The electrical inspectors may during reasonable hours, request to enter any building or premises in the discharge of his or her official duties for the purpose of

performing inspections or re-inspections. If entry is denied, the electrical inspectors may obtain a special inspection warrant authorizing such entry.

- (l) **Plans.** The electrical inspectors shall have the authority to request drawings, plans, specifications or any relevant information to ensure compliance with the electrical code.
- (m) **Fees.** Permit fees shall be as set under Sec. 15-1-25 of the Village Code of Ordinances. A copy of said fees shall be kept on file in the office of the electrical inspectors.
- (n) **Emergency.** Under emergency conditions, the necessary electrical work may be commenced without submitting an application for a permit. The person performing the emergency electrical work shall report the electrical work no later than the following business day and shall submit an electrical permit for such work.
- (o) **Liability.** This section shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electricity to, or selling, renting, leasing, owning, using, operating, controlling, installing, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining, any electrical wiring, device or equipment for damages to persons or property caused by any defect therein or therefrom, nor shall the Village or any of its officials be held as assuming any such responsibility or liability by reason of the issuance or revocation of any permit, or the inspection or re-inspection of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized by this section, nor shall the Village or any of its officials be held liable for any damage resulting from the enforcement of this section.
- (p) **Appointed Agent Responsibilities.** The Wisconsin Department of Safety and Professional Services, Division of Industry Services, has granted the Village of Caledonia the authority to conduct Commercial electrical inspections pursuant to SPS 316.011, Wis. Adm. Code.
- (q) **Optional Waiver Of Inspection Responsibility.** The Village may choose for any reason to waive its inspection process and require the electrical be reviewed by the Wisconsin Department of Safety and Professional Services, Division of Industry Services.
- (r) **Conflicts.** In the event of a conflict between this Section governing electrical inspections and another Section of this Code of Ordinances, this Section shall control."

SEC. 15-1-16 WISCONSIN PLUMBING CODE.

All plumbing work in the Town of Caledonia shall be performed in accordance with the provisions of the Code of Ordinances of the Town of Caledonia and the Wisconsin Plumbing Code as promulgated by the Wisconsin Department of Industry, Labor and Human Relations, as periodically amended.

SEC. 15-1-17 PLUMBING INSPECTOR.

There shall be a plumbing inspector who shall be appointed by the Town Board pursuant to this Code. He shall have authority to enforce the provisions of this Chapter. He shall receive such compensation as the Town Board determines.

SEC. 15-1-18 CONSOLIDATION OF DEPARTMENTS.

Nothing in this Chapter shall prevent the Town Board from consolidating any or all of the inspection departments under this Chapter.

SEC. 15-1-19 DEPUTY INSPECTORS; TEMPORARY INSPECTORS.

The Town Board may appoint deputies for the inspectors under this Chapter and may appoint temporary inspectors who shall, in the absence or temporary disability of the inspectors, exercise full authority under this Chapter.

SEC. 15-1-20 BUILDING PERMIT SURVEY OR SKETCH REQUIRED.

- (a) No building permit shall be issued for any dwelling unit, any commercial, industrial or institutional facility, or any structure which, in the judgment of the Town Engineer, will require substantial or critical grading or drainage work unless the applicant first provides a plat of survey prepared and certified by a land surveyor registered by the State of Wisconsin. The survey shall be made not more than one (1) year prior to the issuance of the building permit and shall contain such information as the Town Engineer or the Building inspector shall, in writing, require.
- (b) No building permit shall be issued for any garage, barn, shed, swimming pool or any detached structure unless the applicant provides a layout sketch and field stakes the location of the proposed structure. The layout sketch shall provide the following information:
 - (1) The perimeter lot lines of the involved parcel or lot including the approximate lot dimensions.
 - (2) The approximate location of all existing structures relative to the lot lines.
 - (3) The dimensions and location of the proposed structure relative to lot lines and existing structures.
 - (4) The approximate location of all known underground utilities in the vicinity of the proposed structure.
 - (5) The location of any overhead wires in the vicinity of the proposed structure.
 - (6) The location of any recorded or known easements on the property

15-1-20.5 SWIMMING POOL REGULATIONS.

Purpose of Regulations: To insure the safe and proper in installation and/or alteration of swimming pools in relation to property, dwellings and safety.

- (a) **Definition.** "Private swimming pool" means a receptacle for water or an artificial pool of water having a depth at any point of more than 2 feet, whether above or below ground.
- (b) **General Guidelines.** Private swimming pools shall:
 - (1) Require a permit, unless the pool is less than 200 square feet in area, is less than 4 feet in depth and is removed by November 1st, for the winter.

- (2) Not be located in the front yard.
 - (3) Not be closer than 8 feet to any dwelling or out building(s).
 - (4) Be completely enclosed by a fence not less than 48 inches in height and be constructed in such a manner so that a ball 6 inches in diameter cannot pass through the fence.
 - (5) Have ladders or stairs that can be removed or secured in such a manner as to prevent access when unattended.
 - (6) Not be filled until fencing is completely installed.
 - (7) Be equipped with a lock or self-closing, self-latching device placed at the top of the gate.
 - (8) Have equipment, including circulating pumps and filters be located so as not to create a nuisance or noise problem, and if necessary, be shielded or protected by a barrier.
 - (9) Be maintained in such a way as to not create a nuisance, hazard, eyesore or have an adverse effect on neighboring properties or be detrimental to public health, safety or welfare.
 - (10) Be constructed so as to not allow water from the pool to drain into any sanitary sewer or septic tank, nor to overflow on or cause damage to, any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval of the Plumbing Inspector.
- (c) **Permit Required.**
- (1) A Zoning Permit from Racine County shall be required prior to obtaining a building permit for a pool or a deck, from the Town of Caledonia.
 - (2) No person shall construct, install, enlarge or alter any swimming pool or erect a covering over or around any swimming pool unless a permit has been obtained from the Building Inspector.
 - (3) An application for a permit shall be accompanied by plans drawn to scale, showing the following:
 - (a) Location of pool on lot, with distances from all lot lines and structures.
 - (b) Fence height (48 inches, minimum).
 - (c) Specifications of pool.
 - (d) A survey or accurate drawing indicating existing structures, fences and power lines.
 - (e) Any decks to be constructed around or adjacent to the pool.
 - (4) All permit work shall be inspected by the Building and Electrical Inspectors upon completion of work, prior to use.
- (d) **Exceptions.** No fence shall be required for above ground pools that are at least 4 feet above grade.
- (e) **Filling of Pool.** The filling of a pool from residential hose sill cocks shall be anti-siphonic and acceptable to the Plumbing Inspector. In filling a pool or replenishing the water supply of such pool, the device used to convey the water supply shall not be submerged at any time into the existing or present water contents.
- (f) **Applicability.** All owners, operators or responsible parties with existing outdoor swimming pools shall have until June 1, 1997 to satisfactorily comply with this section upon passage and publication of this ordinance.

- (g) **Enforcement.** The Department of Building Inspection shall be responsible for enforcing the standards of this section.
- (h) **Penalty.** Any person convicted of violating this section shall forfeit not less than \$250 nor more than \$500 per violation, or upon default of payment be imprisoned for not more than 20 days.

SEC. 15-1-21 SITE GRADING AND DRAINAGE BOND.

- (a) **Definitions.** For purposes of this section:
 - (1) "agent" shall mean the person, partnership or corporation who signs the application for a building permit for the owner of the parcel.
 - (2) "owner" shall mean the person who holds legal title to the property at the time the building permit is issued.
- (b) **Cash Bond.** Before the issuance of any building permits for any dwelling unit, commercial building, industrial building, institutional building, or for any structure which will require any grading or drainage work, the owner, or the owner's agent, shall pay to the Town Treasurer the sum of \$1,000 as a cash bond.
- (c) **Requirements.** Such cash bond shall guarantee that all site grading and drainage work shall be completed in accordance with the following requirements:
 - (1) All required culverts and all other required drainage structures or appurtenances shall be:
 - a. of the required size, gauge, class or length;
 - b. properly installed at the required elevations and location;
 - c. in an undamaged condition; and
 - d. free of any silt or other deposits.
 - (2) All required ditches, swales, drainage easements and waterways located within the boundaries of the involved parcel or within Town road right-of-way lying adjacent to the involved parcel shall be:
 - a. graded to the proper gradients and side slopes;
 - b. lie at the required elevations and locations; and
 - c. have been seeded or sodded and covered with healthy growing grass.
 - (3) The proposed finished yard elevation around the perimeter of any new structure shall be established by the subdivision grading plans or set by the Town Engineer, and the entire building site shall be generally graded to the required elevations and contours as shown on the building permit survey which is required under Section 15-1-20.
 - (4) All roof drainage and sump pump flowage shall be outletted pursuant to the Town Engineer's instructions and shall not saturate, accumulate or damage the property of an adjacent parcel.
 - (5) The premises shall be cleared of all rubbish, debris or unused materials.
 - (6) The owner and agent shall be required to sign the site restoration application and receive a copy of general instructions for items (1) through (5) at the time the building permit is issued. The instructions shall indicate that the site must be restored within 270 days of occupancy.
- (d) **Inspection.** After the occupancy permit is issued by the Town Building Inspector, the Town Engineering Department shall send a letter notifying the owner that the residence shall be

inspected at the end of 270 days for compliance with par. (c), above. The inspection shall be completed within 270 days; however, if the occupancy permit is issued between February 15 and July 31, then the inspection shall be completed before May 1 of the following year.

- (e) **Refund.** If the inspection as described in par. (d), above reveals that all the requirements listed in par. (c) have been met, the cash bond shall be released upon written recommendation of the Town Engineer. If the inspection does not meet such requirements, the Town Engineer shall notify the owner in writing of the deficiencies which must be corrected within 60 days. If the 60 days extends beyond October 31, then a re-inspection shall be performed by May 1, of the following year.
- (f) **Completion by Town.** All grading, drainage and cleanup work shall be completed within 330 days after the issuance of the occupancy permit with respect to the building or structure for which the building permit was issued. In the event that all the work is not completed within the 330 day period, the Town may have the work completed and charge any costs against the cash bond, with the balance of the bond to be refunded. In the event the bond is inadequate to pay for all costs, the owner shall pay any deficiency to the Town on demand. The Town shall have 540 days after the issuance of an occupancy permit to complete the work. If the Town does not complete such work within 540 days, the balance of the cash bond shall be refunded.

SEC. 15-1-22 FIRE SPRINKLER/ FIRE ALARM PERMITS.

- (a) **Required.** A permit to install a fire sprinkler system, as provided in Section 5-5-2 of the code, or to install a fire alarm system, as provided in Section 5-8-5 of the code is required.
- (b) **Issued.** A permit to install a fire sprinkler system or to install a fire alarm system shall be obtained from the Fire Department prior to installation; however, no such permit shall be issued until the following conditions have been met:
 - (1) A fire sprinkler plan or a fire alarm plan which meets the National Fire Protection Administration's standards, has been submitted to the Fire Chief for review.
 - (2) The Fire Chief, or designee, has approved the fire sprinkler plan or fire alarm plan and notified the Plumbing Inspector of the approval.
 - (3) The Fire Chief, or his or her designee, has reviewed the permit for the proper fee(s), as provided in subsection (c).
 - (4) The proper fee has been paid to the Village Treasurer and copies of the receipts have been provided to the Plumbing Inspector and the applicant.
- (c) **Fees.** The following fees shall apply to the plan review, inspection, and test witnessing of a fire protection system or a fire alarm system:
 - (1) Fire sprinkler system basic plan review per system and review (This fee is charged for sprinkler systems without hydraulic calculations) \$250.00
 - (2) Fire sprinkler system plan review with one set of hydraulic calculations per system and Review (This fee is charged for each separate, system, floor and/ or area of a building) \$325.00
 - (3) Verification of additional hydraulic calculations: Excluding all calculations utilizing the Darcy-Weisbach calculation method. (This fee is charged for each additional set of hydraulic calculations required by the AHJ) \$175.00

- (4) Verification of ALL hydraulic calculations utilizing the Darcy-Weisbach calculation method which is required for all anti-freeze systems (This fee is charged for each additional set of hydraulic calculations required by the AHJ) \$210.00
- (5) Site inspection of fire protection systems during installation (2 hour Minimum) NOTE: Fire protection systems may NOT be concealed prior to inspection \$75.00/hour
- (6) Witness final acceptance tests of fire protection systems (2 hour Minimum) 75.00/ hour
- (7) Modifications to existing sprinkler systems:
 - a. Minimum fee for a system modification without hydraulic calculations \$75.00
 - b. The **fee per sprinkler** up to 15 sprinklers without hydraulic calculations \$10.00
 - c. The **fee per system with hydraulic calculations** \$325.00
- (8) Fire pumps per review \$250.00
- (9) Fire sprinkler system underground mains including combination mains:
 - a. 0 to 999 feet \$150.00
 - b. 1000 feet or more \$300.00
- (10) Fire hose and/or standpipe hose connections \$10.00/ outlet
- (11) Other fire control systems (Standpipe, Dry or Wet Chemical, Gas Systems, Foam, etc.) \$300.00
- (12) Fire alarm systems per control panel \$250.00
- (13) Fire alarm system alarm notification devices, (both audible and visual) stations, all initiating devices; this includes but is not limited to manual pulls, smoke, heat, flame, ionization, photoelectric detectors, water flow devices and all supervisory and/or monitoring devices per review \$50.00 up to 3; \$10.00/ additional
- (14) Witnessing of acceptance tests and/or inspections (2 hour Minimum) \$75.00/ hour
- (15) Consulting on fire protection systems (2 hour Minimum) \$75.00/ hour
- (16) ***Triple fee will be charged if any work is started before a permit is issued***

SEC. 15-1-23 FEES FOR BUILDING PERMITS AND INSPECTIONS.

(a) The following shall be the schedule of fees for building permits issued under this Chapter:

	FEES
(1) Minimum permit fee for all permits	\$57.00
(2) Residence 1 & 2 family & attached garages	.40/sq.ft.
(3) Residences apartments 3 family & over, row housing, multiple family dwellings, institutional	.40/sq.ft.
(4) Residences – additions	.40/sq.ft. or fraction thereof
(5) Local business, institutional & office buildings, or additions thereto	.40/sq.ft. or fraction thereof
(6) Manufacturing or industrial (office areas to be included under (5))	.36/sq. ft. or fraction thereof

(7)	Permit to start construction of footings and foundations	\$250.00 multi-family, industrial/commercial \$200.00 1 & 2 family .25/sq.ft.
(8)	Agricultural buildings, detached garages and accessory buildings	.25/sq.ft.
(9)	All other buildings, structures, alterations, residing, reroofing, repairs where sq. ft. cubic contents cannot be calculated	\$12.00/1,000 valuation (\$375.00 maximum/bldg. for residing and re-roofing)
(10)	Heating & incinerator units & woodburning appliances.	\$57.00/unit up to & including 150,000 input BTU units. Additional fees of \$25.00/each for new construction and replacement 50,000 BTU or fraction thereof. \$1,250 maximum/unit
(11)	Commercial or industrial exhaust hoods/exhaust systems	\$100.00/unit
(12)	Heating/air conditioning distribution system	\$2.40/100 sq. ft. of conditioned area with a \$57.00 minimum
(13)	Air conditioning including permanently installed wall units	\$57.00/unit up to 3 tons 36,000 BTU's. Additional fee of \$25.00/each ton or 12,000 BTU's or fraction thereof. \$1,250.00 maximum/unit
(14)	Wrecking or razing, or interior demolition	\$57.00 minimum +.12/sq.ft. with \$750 maximum for building. Building Inspector may waive fee if structure is condemned.
(15)	Moving buildings over public ways	\$250.00 + .14/sq.ft.
(16)	Fuel tanks	\$13.00/1,000 gallons for installation with \$165.00/maximum tank \$50.00/tank removal, repairs, alterations.
(17)	Re-inspections	\$125.00/inspection
(18)	Special inspections	\$250.00/inspection
(19)	Plan examination	
	a. 1 & 2 family residence	\$170.00/plan
	b. Apartments, 3 family residence, row housing, multi-family buildings	\$250.00 + \$25.00/unit
	c. Commercial/industrial alterations and additions	\$250.00
	d. Additions to 1 & 2 family dwellings	\$90.00
	e. Alterations to 1 & 2 family dwellings	\$57.00
	f. Accessory buildings 120 sq. ft. or more	\$57.00
	g. Decks and swimming pools	\$57.00

h.	Heating plans, lighting & energy calculations to heating plans, submitted separately	\$57.00/each
i.	Priority plan review	At the discretion of the Bldg. Inspector and depending upon work load of the department 2 business days priority plan review may be provided at double the regular rate for plan review fees. Certified municipalities may also charge double the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring review and/or approval by other governing agencies of the municipality.
j.	Resubmission of previously approved building plans	\$57.00 each
(20)	WI Uniform bldg. permit seal	State charge + \$12.00
	<u>Note 1.</u> Permits may be obtained individually or on one form in the categories of construction, heating, ventilating & air conditioning, electrical & plumbing.	
	<u>Note 2.</u> An additional fee for plan review may be assessed at the time of application for renewal of the permit.	
(21)	Occupancy Permit	
a.	Residential	\$57.00/unit, addition, alteration, or accessory building over 120 sq.ft.
b.	Commercial/Industrial	\$190.00/unit
c.	Temporary Occupancy Permits (6 mo. Or less)	\$90.00/unit
(22)	Pools-in ground, above ground/spas	\$12.00/\$1,000 valuation \$57.00 minimum
(23)	Decks	\$57.00
(24)	Erosion Control fees	
a.	1 & 2 family lots	\$235.00/lot
b.	Multi-family units	\$350.00/building + \$7.50/ 1000 sq.ft, of disturbed lot area with \$4,250.00 maximum
c.	Commercial lots	\$350.00/building + \$7.50/ 1,000 sq. ft. of disturbed lot area with \$4,250.00 maximum

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|------|--|--|
| d. | Industrial lots | \$350.00/building +
\$7.50/1,000 sq. ft. of disturbed
lot area with \$4,250.00
maximum. |
| e. | Institutional lots | \$350.00/bldg. + \$7.50/1,000
sq. ft. of disturbed lot area
with \$4,250.00 maximum |
| f. | Other | \$57.00 minimum |
| (25) | Failure to call for a final inspection | \$125.00/per inspection |
- (b) **Miscellaneous**
- (1) Triple Fees. Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be triple the fees imposed above.
- (2) Calculations
- a. Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.
- b. Cubic contents shall be defined as follows: The volume of the building enclosed by the outer surface of the exterior walls from the top of the footing to the average height of the roof.
- c. In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.
- (c) **Neighborhood Planning Surcharge.** A Neighborhood Planning Surcharge equal to thirteen percent (13%) of the total of all fees determined as per (a) above shall be charged to the applicant and collected at the same time that building permit fees as per (a) above are collected, with such surcharge to be in addition to fees charged as per (a) above and with such surcharge to not be limited by any such maximums identified in (a) above.

SEC. 15-1-24 PLUMBING PERMIT AND INSPECTION FEE SCHEDULE.

The fees for permits and inspections of plumbing work charged under this Chapter shall be according to the following schedule:

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| (a) | Minimum fee | \$57.00 with exception for water
heater replacement which shall
be \$25.00 |
| (b) | Each plumbing fixture | \$14.00 |
| (c) | Outside sanitary sewer | \$75.00 plus \$.55 per foot for
each foot over 100 feet |
| (d) | Outside storm sewer | \$75.00 plus \$.55 per foot for
each foot over 100 feet |
| (e) | Outside water | \$75.00 plus \$.55 per foot for
each foot over 100 feet |
| (f) | Building sewer abandonment | \$57.00 |

(g)	Septic tank abandonment	\$57.00
(h)	Well abandonment/registration	\$57.00
(i)	Reinspection	\$125.00
(j)	Sanitary Building Drain	\$57.00 plus \$.55 for each foot over 100 feet
(k)	Storm Building Drain	\$57.00 plus \$.55 for each foot over 100 feet

SEC. 15-1-25 FEES FOR ELECTRICAL PERMITS AND INSPECTION.

The fees for permits and inspections for electrical work and equipment charged under this Chapter shall be according to the following schedule:

- (a) For new construction of residential buildings with one (1) through (4) residential units, the per unit fee shall include the following unit charge plus an ampere service charge as per (b).
 - (1) Unit Charge:
 - a. Per 1 bedroom residential unit \$55.00
 - b. Per 2 bedroom residential unit \$57.00
 - c. Per 3 bedroom residential unit \$75.00
 - d. Per 4 bedroom residential unit \$95.00
- (b) Ampere Service Charge shall be as follows and shall apply to all new, additional, or altered electrical services.
 - (1) Up to and including 100 ampere service \$55.00 plus \$1.45 per circuit.
 - (2) Over 100 to 200 ampere service \$60.00 plus \$1.45 per circuit.
 - (3) Over 200 to 400 ampere service \$75.00 plus \$1.45 per circuit.
 - (4) Over 400 to 600 ampere service \$85.00 plus \$1.45 per circuit.
 - (5) Over 600 to 800 ampere service \$110.00 plus \$1.45 per circuit.
- (c) Any electrical work for new construction, alterations, or additions to commercial, industrial, or agricultural structures or properties shall be subject to the following fees in addition to (b) above.
 - (1) Electrical work costing \$50.00 to \$500.00 shall be \$3.50 for each \$100.00 of work and \$.50 for each additional \$25.00 of work or fraction thereof.
 - (2) Electrical work costing \$500.00 to \$10,000.00 shall be \$25.00 for the first \$500.00 of work plus \$2.25 for each additional \$100.00 of work or fraction thereof.
 - (3) Electrical work costing over \$10,000.00 shall be \$250.00 plus \$1.25 for each \$100.00 of work or fraction thereof.
- (d) The minimum fee for all electrical work shall be \$57.00.
- (e) The fee for any re-inspection shall be \$125.00.

SEC. 15-1-26 PARK IMPACT FEES.

- (a) **Intent.** The intent of this section is to impose an impact fee on developers to pay for the capital costs that are necessary to accommodate land development.

- (b) **Authority.** Authority for this section is provided by Section 66.0617 of the Wisconsin Statutes.
- (c) **Definitions.** In this section:
 - (1) “Capital Costs” means the capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten (10) percent of capital costs may consist of legal, engineering, and design costs unless the Town can demonstrate that its legal, engineering, and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten (10) percent of capital costs. Capital cost does not include other noncapital costs to construct, expand, or improve public facilities or the costs of equipment to construct, expand, or improve public facilities.
 - (2) “Developer” means a person that constructs or creates a land development.
 - (3) “Impact Fees” means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by the Town under this section.
 - (4) “Land Development” means the construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within the Town.
 - (5) “Public Facilities” means parks, playgrounds, and other recreational facilities.
 - (6) “Service Area” means the entire Town.
 - (7) “Building Permit” shall mean the permit required for new residential construction and additions pursuant to section 15-1-6 of the Caledonia Code of Ordinances. The term building permit, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided that there is no increase in the number of dwelling units resulting therefrom.
 - (8) “Needs Assessment” means the assessment of needs required by section 66.0617, Wis. Stats.
- (d) **Needs Assessment.** The Town of Caledonia Public Facilities Needs Assessment for public facilities dated May 6, 2002 as it may be amended and supplemented from time to time, is hereby approved and incorporated by reference. A copy of this document and any amendments or addenda thereto shall be available for inspection in the Town Clerk’s Office, and shall be the basis for the impact fees imposed pursuant to this section.
- (e) **Amount of Impact Fee.** Any developer creating, constructing or relocating additional residential dwelling units within the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the land development.
 - (1) The amount of the fee shall be \$1,000.00 per additional residential dwelling unit to be constructed, created or relocated by the proposed development.
 - (2) The fee shall be imposed as a condition of approval of any building permit for the subject land development and the payment thereof shall be made to the Town prior to the issuance of such building permit.
 - (3) Low cost housing. The impact fee imposed by this section may be waived or reduced by the Town Board upon recommendation by the Plan Commission on new development for low-cost housing in accordance with Section 66.0617 (7), Wis. Stats.

- (f) **Other Means of Financing Park Improvements Reversed.** Pursuant to Section 66.0617 (2)(b), Wis. Stats., the imposition of park facilities impact fees under this section does not prohibit or limit the Town’s authority to finance park facilities by any other means authorized by law.
- (g) **Administration.**
 - (1) **Segregated Account.** There is hereby established a public park, playground, and recreational facility impact fee fund which shall be placed in a segregated, interest-bearing account and shall be accounted for separately from all other funds of the Town.
 - (2) **Expenditures.** Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed. Funds shall not be used for maintenance nor to address any existing deficiencies in park, playgrounds, or other recreational facilities at the time of enactment.
 - (3) **Refund of Impact Fees.** Any park fees collected under this section which are not expended or committed for expenditure within 20 years from the date the park fee was paid, which is a reasonable period of time for the Town Board to plan, finance and provide selected public facilities, shall be refunded to the current owner of the property.
 - (4) The expenditure and use of the impact fee shall be under the control and supervision of the Town Board in conjunction with the Town Parks and Recreation Commission.
- (h) **Appeal.**
 - (1) Any person upon whom a park fee is imposed, may, within 15 days of the imposition of the park fee, contest the amount, collection, or use of the park fee by filing a written request with the Town Clerk which describes the nature of the appeal, provides supporting documentation, and specifies the basis upon which the appeal is made.
 - (2) At the next regular Town Board meeting, the Town Board shall hear and decide the appeal.
 - (3) The Clerk shall notify the appealing party of the time and place of the Town Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.
- (i) **Severability.** If any portion of this section is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this section, which shall remain in full force and effect.

SEC. 15-1-27 ENGINEERING DEPARTMENT FEES FOR BUILDING PERMITS AND OTHER ENGINEERING SERVICES.

- (a) The following shall be the schedule of fees for Engineering Department review of building permits and for other engineering services:

	<u>FEES</u>
(1) Building Plan and Building Permit Application Review	
a. Residence-- 1- and 2-family, including attached garages	\$225.00

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| b. | Residences and/or apartments -- 3- and 4-family | \$285.00 |
| c. | Residences and/or apartments-- 4-family and over, row housing, institutional | \$50.00 per hour plus any direct cost to the Village for outside services, \$4,600 maximum per building, excluding direct costs above. |
| d. | Commercial, institutional & office buildings, manufacturing or industrial | \$50.00 per hour plus any direct cost to the Town for outside services, \$4,600 maximum per building, excluding direct costs above. |
| e. | Permit to start construction of footings and foundations | \$250.00 |
| f. | Agricultural buildings, pole barns, detached garages and accessory buildings | \$85.00 |
| g. | Swimming pools, sheds | \$33.00 |
| h. | Priority plan review completed as per 15-1-23(a)(19)i | double the regular rate identified in Section 15-1-27 (a)(1) a. through g. |
| i. | Resubmission of previously approved building plans | \$125.00 each |
| j. | Residential additions where the exterior is modified | \$75.00 |
| (2) | Oversized Garage Application Fee | \$175.00 |
- (b) **Miscellaneous**
- (1) Triple fees. Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be triple the fees imposed above.
- (2) Payment of fees. All fees, except 15-1-27(a)(2), shall be paid prior to or at the time of issuance of the related permit. The fee for 15-1-27(a)(2) shall be paid at time of submission of the application.

SEC. 15-1-28 CALEDONIA WIND ORDINANCE.

- (a) **Intent.** The intent of this Section is to regulate the placement of and access to wind energy conversion systems for the purposes of protecting the health and safety of individuals on adjacent properties, as well as the general public.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) Electrical Interconnection: The point at which the WECS electrical system is connected to an existing electrical distribution system.
- (2) High Wind Speed: Any wind speed above which the WECS is designated to reduce its output. For WECS not designed to reduce its output, then high wind speed shall be winds in excess of forty (40) miles per hour.
- (3) Out of Balance Condition: A condition under which unacceptable vibration occurs due to normal rotor rotation.

- (4) Rotor: A system of rotating aerodynamic elements attached to a single shaft that converts the kinetic energy in the wind into mechanical shaft energy.
 - (5) Rotor Radius: The distance from the rotor axis to the outermost point on the blade.
 - (6) Rotor diameter: Twice rotor radius.
 - (7) Survival Wind Speed: Same as maximum design wind speed.
 - (8) To Feather: Method of controlling the speed of which the WECS is designed to operate by varying the angle of the blades in respect to wind direction.
 - (9) Wind Energy Conversion System (WECS): Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.
- (c) **Permits Required.**
- (1) A zoning permit shall be obtained from the local zoning jurisdiction to allow construction of a wind energy conversion system.
 - (2) A WECS permit shall be obtained from the local building inspector for the construction of all wind energy conversion systems.
- (d) **Plans to be Submitted.** Application for the permit shall include the following:
- (1) Property lines.
 - (2) Proposed location of WECS.
 - (3) Location of all existing structures on sites.
 - (4) All above-ground utility lines within a radius equal to the height of the WECS.
 - (5) Schematic of electrical system associated with the WECS including all existing and proposed electrical interconnections.
 - (6) All underground utility lines on the site.
 - (7) Dimensional representation of the structural components of the tower construction, including the base and footings.
 - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design data.
 - (9) Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as defined by the Uniform Building Code.
- (e) **Wind Access.** Wind access specifications are subject to state regulatory requirements.
- (f) **Tower Height Restrictions.** There are no maximum tower height restrictions, except within flight zones where FAA restrictions on structures apply.
- (g) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences or other anticlimbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating electrical shock hazard shall be placed on the tower. Wording of sign: "Warning. Electrical shock hazard. No unauthorized persons in tower. No trespassing."
- (h) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code, including, but not limited to, Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41 and any future amendments and/or revision to same.
- (i) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electric utility's then-current service regulations applicable to WECS. These standards are subject to review by the Public Service Commission of Wisconsin. There is no need for additional local regulation of the electrical interconnection of a wind system with the electric utility.

SEC. 15-1-29 ONE- AND TWO-FAMILY DWELLING CODE.

(a) **Application of Provisions.**

- (1) Title. This Section shall be known as the "One- and Two-Family Dwelling Code" of the Town of Caledonia.
- (2) Purpose. The purpose and intent of this Section is to:
 - a. Exercise jurisdiction over the construction and inspection of new one (1) and two (2) family dwellings and additions to existing one (1) and two (2) family dwellings;
 - b. Provide plan review and on-site inspections of one (1) and two (2) family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations;
 - c. Establish and collect fees to defray administrative and enforcement costs;
 - d. Establish remedies and penalties for violations; and
 - e. Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Industry, Labor and Human Relations.

(b) **State Uniform Dwelling Code Adopted.** The Administrative Code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this Section 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 Section. Any future amendments, revisions or modification of the Administrative Code provisions incorporated herein are intended to be made part of this ordinance to secure uniform state-wide regulation of one (1) and two (2) family dwellings in the Town of Caledonia. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

(c) **Definitions.** The following definitions shall be applicable in this Section:

- (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 Industry, Labor and Human Relations of the State of Wisconsin.
- (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 (1) or two (2) 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 (1) or two (2) family dwelling.
- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) 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. 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 (1) or two (2) dwelling units, each intended to be used as a home, residence or sleeping place by an individual or by two (2) 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 future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wisconsin Administrative Code Ch. ILHR 20	-- Administration and Enforcement
Wisconsin Administrative Code Ch. ILHR 21	-- Construction Standards
Wisconsin Administrative Code Ch. ILHR 22	-- Energy Conservation Standards
Wisconsin Administrative Code Ch. ILHR 23	-- Heating, Ventilating and Air Conditioning Standards
Wisconsin Administrative Code Ch. ILHR 24	-- Electrical Standards
Wisconsin Administrative Code Ch. ILHR 25	-- Plumbing and Potable Water Standards

(d) **Method of Enforcement.** For the purpose of administering and enforcing the provisions of this Section and the Uniform Dwelling Code, the Town does designate the Department of the Building Inspection created under Section 15-1-5 of this Code of Ordinances.

(e) **Administration.**

- (1) Building Inspector. The Building Inspector shall administer and enforce all provisions of this Section and the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Section ILHR 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (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 Ch. ILHR 26, Wis. Adm. Code, by the Department.
- (3) 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.
- (4) Records. The Building Inspector shall perform all administrative tasks, required by the Department under the Uniform Dwelling Code.

(f) **Building Permits.**

- (1) Building Permits Required. No one (1) or two (2) family dwelling of which initial construction shall be commenced hereafter 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 as provided in Section 15-1-6 of this Code of Ordinances. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department.

- (2) Repairs and Additions Requiring Permit. No addition, alteration or repair to an existing one (1) or two (2) family dwelling 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 Building Inspector as provided in Section 15-1-6 of this Code of Ordinances.
 - (3) Submission of Plans. The applicant shall submit two (2) sets of plans for all new or repairs or additions to one (1) and two (2) family dwellings at the time that the building permit application is filed and shall otherwise comply with Section 15-1-6 of this Code of Ordinances.
 - (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 officially approve the application, and a 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.
- (g) **Fees for Building Permits and Inspection.** Prior to issuance of a building permit, the applicant shall pay the fees as otherwise provided in this Chapter, unless the Town Board, for good cause shown, waives or modifies such fee on a specific permit for a specified reason(s) and provided no such waiver or modification shall be granted that is discriminatory in nature.
- (h) **Violations and Penalties.**
- (1) No person shall erect, use, occupy or maintain any one (1) or two (2) family dwelling in violation of any provision of this Section or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the Section shall, upon conviction, be subject to a forfeiture of not less than Ten Dollars (\$10.00), nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not more than ninety (90) days or until such forfeiture and costs are paid.
 - (2) If an inspection reveals a noncompliance with this Section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Section ILHR 20.10(1)(c), Wis. Adm. Code.
 - (3) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or 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 thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Section or the Uniform Dwelling Code.
- (i) **Appeal to Town Board.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination of the Town Board. The appeal shall be governed by the procedures set forth in Sections 68.10 to 68.12, inclusive, of

the Wisconsin Statutes, and Title 4 of this Code of Ordinances.

- (j) **Liability for Damages.** This Section 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.
- (k) **Severability.** If any Section, clause, provision or portion of this Section or of Chapters ILHR 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 15-1-30 VIOLATIONS AND PENALTIES.

- (a) It shall be unlawful for any person to engage in any construction, building, electrical work, plumbing work or similar activity in the Town of Caledonia without first obtaining any permit or permits and paying the appropriate fees as provided in this Chapter.
- (b) It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Chapter, or to cause, permit or suffer any such violations to be committed.
- (c) It shall be unlawful to commence work prior to obtaining a permit therefor. Triple fees shall be charged if work is commenced prior to the issuance of a permit to do so.
- (d) Any structure or portion thereof not conforming to the requirements of this Chapter is declared to be a public nuisance.

Except as otherwise specifically provided in this Chapter, any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for the period of not more than thirty (30) days, or until such forfeiture and costs are paid. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day of such violation shall constitute a separate offense.

SEC. 15-1-31 REGULATION OF PORTABLE TOILETS AND CONSTRUCTION DEBRIS RECEPTACLES AT NEW CONSTRUCTION SITES.

This Section applies to portable toilets and construction debris receptacles at the site of any new construction within the Town regardless of the zoning of such site. For purposes of this Section only, "new construction," means the construction of any new building intended for residential, commercial or industrial use, and not the construction of structures accessory thereto; "adjacent properties," means those properties sharing a common property line, and not those physically separated by any road, stream or other public right-of-way.

- (a) **Portable Toilets.**
 - (1) Intent. The intent of this subsection is to ensure that individuals have access to hygienic lavatory facilities at the sites of new construction within the Town.
 - (2) Duration. Portable toilets must be delivered to the new construction site after any footings or foundation is poured and back-filling is completed, and prior to any further work taking place at the site. The portable toilet must remain at the site until

an occupancy permit therefor is issued. At the time of application for the first permit for any new construction, the applicant must produce evidence that a portable toilet has been rented for the subject property.

- (3) Location. Portable toilets must be located outside of any road right-of-way. A portable toilet must also be located where it can be easily accessed and serviced and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.

- (4) Number And Servicing Frequency.

Each new construction site shall be served by at least one portable toilet. A single portable toilet shall be sufficient to serve approximately ten people who are regularly at the site over the course of a forty hour week. Portable toilets must be serviced, i.e. cleaned, restocked of paper products, and emptied of waste, at least once per week. A record of the portable toilet's servicing dates must be kept and must be made available for review in a timely manner upon request.

- a. If more than ten people are, or are regularly expected to be, at the new construction site, or if ten or fewer people are, or are regularly expected to be, at the site for more than forty hours per week, the number of portable toilets required or the servicing frequency thereof must be increased proportionately.
- b. If a single property owner or contractor is undertaking new construction at two adjacent properties, a single portable toilet, subject to the above man-hour guidelines set forth in subparagraph (a), may serve the two adjacent properties, provided that when an occupancy permit is issued for one of the adjacent properties, the portable toilet must be moved to the other property, if construction is continuing thereat, and located as set forth in paragraph (2) above.

(b) **Construction Debris Receptacles.**

- (1) Intent. The intent of this subsection is that all construction debris at new construction sites shall be stored in a suitable location so as to prevent any such debris from entering the surrounding environment.

- (2) Size and construction. Construction debris receptacles shall be constructed of metal, plywood, plastic or other material sufficiently sturdy to withstand the construction process and exposure to the elements without allowing any construction debris to enter the surrounding environment. Metal Construction debris receptacles, i.e. "dumpsters," shall have a volume of at least 10 cubic yards and construction debris receptacles made of plywood, plastic or other material shall have a minimum volume of 9.4 cubic yards.

- (3) Duration. Construction debris receptacles must be located at the new construction site before any exterior framing work begins. Following the installation of an operational garage door, for residential construction, or the completion of a loading dock/door or other suitable interior space, for commercial or industrial construction, construction related debris shall be stored in such enclosed, interior space if the construction debris receptacles have been removed from the site. Whenever the site is unoccupied, the garage or other door must remain closed so as to prevent any construction debris stored therein from entering the surrounding environment.

- (4) Location. Construction debris receptacles must be located outside of any road right-of-way. Construction debris receptacles must also be located where they can be

easily accessed and serviced, i.e. emptied and/or removed/replaced, and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.

- (5) Number, Size, and Servicing Frequency. Every new construction site shall have at least one construction debris receptacle conforming to the specifications and limitations contained in this Section, or two construction debris receptacles that, taken together, contain the minimum volume of a single construction debris receptacle as set forth above. Construction debris receptacles shall be adequately sized and serviced frequently enough so as to completely contain the construction debris therein and prevent any such construction debris from entering the surrounding environment due to rain, wind, etc.
- (c) **Violations.** If the Building Inspector finds a new construction site to be in violation of any provision of this Section, he or she may issue an immediate stop-work order, may refuse to perform or to return to the site for any additional inspections, or, in his or her discretion, may allow the builder and/or property owner such time as is reasonable under the circumstances to remedy the violation. In lieu of, or in addition to, the issuance of a stop-work order under the subsection, the Building Inspector may also cause the property owner or contractor to be issued one or more citations under Section 15-1-30. Each separate violation of any provision of this Section, and each day a violation continues, shall constitute a separate offense.

SEC. 15-1-32 REGULATION OF OUTDOOR WOOD-FIRED FURNACES.

- (a) Outdoor Wood-Fired Furnaces.
1. For the purpose of this section, “Outdoor Wood-Fired Furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by human or domestic animals.
 2. **Findings.** The use of Outdoor Wood-Fired Furnaces in high-density areas results in the likelihood of nuisance complaints within the Village. Complaints stem from large, unsightly wood piles, excessive smoke and concerns about health risks associated with the high volume of smoke produced by these units.
 3. **Use.** An Outdoor Wood-Fired Furnace may be installed and used in the Village only in accordance with the following provisions:
 - a. The furnace shall be allowed only in agricultural zoning districts designated within the Title 16 of the Village’s Code of Ordinances.
 - b. Only clean, dry firewood shall be burned in the furnace. All firewood shall be stored in neat, stacked rows and not piled in any other way.
 - c. The furnace shall be located at least 500 feet from the nearest building that is not on the same property as the furnace.
 - d. The furnace shall have a chimney that extends at least 15 feet above the ground surface.
 4. **Permit Required.** Outdoor Wood-Fired Furnaces require HVAC permits per the Wisconsin Uniform Dwelling Code SPS 323.04(4), as amended from time-to-time.

5. **Nuisance.** The improper use of an Outdoor Wood-Fired Furnace is hereby declared a public nuisance and the Village may proceed under Chapter 6 of Title 11 of this Code of Ordinance to abate the nuisance or may proceed under any other applicable ordinance or statute accordingly.
6. **Pre-existing Uses.** The Village Building Inspector shall maintain a list of those known Outdoor Wood-Fired Furnaces that predate the effective date of this ordinance. Any Outdoor Wood-Fired Furnace that predates the effective date of this ordinance shall be allowed to remain on said property even though in violation of this ordinance. In any Agricultural zoning districts, any replacement furnace shall be sited in accordance with this ordinance. In any other zoning district, a furnace may only be moved or replaced, if it meets the siting requirements of this ordinance.

SEC. 15-1-33 COMMERCIAL BUILDING CODE.

- (a) **Authority.** These regulations are adopted under the authority granted by Sec. 101.12, Wis. Stat.
- (b) **Purpose.** The purpose of this ordinance is to promote the general health, safety and welfare by enforcing the adopted codes.
- (c) **Adoption of Codes.** The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector and/or plans examiner, who shall be commercially certified by the WI Division of Industry Services.
 - Chs. SPS 302 Plan review fee schedules
 - Chs. SPS 360-366 Wisconsin Commercial Building Code
 - Chs. SPS 375-379 Buildings Constructed Prior to 1914 Code
 - Chs. SPS 381-387 Wisconsin Plumbing Code
- (d) **Appointed Agent Responsibilities.** The Division of Industry Services has granted the Village of Caledonia the authority to conduct Commercial Building, HVAC, Fire Alarm System, Fire Suppression System, and Plumbing plan reviews and inspections for buildings
- (e) **Plan Review Process.**
 - (1) Building, HVAC, Fire Alarm, and Fire Suppression System plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 361. Applicants for plan review shall submit the following directly to the Village:
 - a. Application form SBD-118.
 - b. Plan review fee per table SPS 302.31-2. Payment shall be made to the Village.
 - c. Digital or hardcopy plans in accordance with SPS 361.
 - (2) Plumbing plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 382. Applicants for plan review shall submit the following directly to the Village:
 - a. Application form SBD-6154.
 - b. Plan review fee per SPS 302.64. Payment shall be made to the Village.
 - c. Digital or hardcopy plans in accordance with SPS Table 382.20-2.
- (f) **Acceptance of DSPS Review.** The Village will continue to accept any plan reviews conducted by the Wisconsin Department of Safety and Professional Services, Division of Industry Services if applicants are unaware of the Village's ability to conduct such plan reviews or choose to send their projects to the Division of Industry Services for review.
- (g) **Optional Waiver of Plan Review Responsibility.** The Village may choose for any reason to waive its plan review responsibilities and require a building or building component be

reviewed by the Wisconsin Department of Safety and Professional Services, Division of Industry Services.

- (h) **Building Inspector / Plans Examiner.** The Building Inspector and/or plans examiner authorized by the Village to enforce the adopted state codes and responsibilities shall be properly certified by the Wisconsin Department of Safety and Professional Services, Division of Industry Services.
- (i) **Building Permit Required.** No person shall build or cause to be built any new public building or alter a public building without first submitting plans and specifications to the building inspector and obtaining a building permit for such building. It shall be unlawful for any person to erect, use, occupy or maintain any public building or structure in violation of any provisions of this Section, or to cause, permit or suffer any such violations to be committed.
- (j) **Building Permit Fee.** Building permit fees shall be set by resolution of the Village Board from time-to-time. It shall be unlawful to commence work prior to obtaining a permit therefor. Triple fees shall be charged if work is commenced prior to the issuance of a permit to do so.
- (k) **Enforcement; Nuisance; Injunctive Relief; Penalties** Building permits may be withheld as an enforcement measure under this Section. Any structure or portion thereof not conforming to the requirements of this Section is declared to be a public nuisance. In addition to the legal remedies provided for in this Code of Ordinances, the Village may seek injunctive relief to enforce the requirements of the Section. Except as otherwise specifically provided in this Chapter, any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day of such violation shall constitute a separate offense.
- (l) In the event of a conflict between this Section governing commercial building plan review and another Section of this Code of Ordinances, this Section shall control.