

**Ordinance for Adoption of Wisconsin Uniform Dwelling Code
Ordinance #46**

Village of Kekoskee, County of Dodge

1.1 **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

1.2 **PURPOSE.** The purpose of this ordinance 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.

1.3 **DEFINITIONS**

(A) "Accessory building" means a detached building, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.

(B) "Building or structure" means any building or structure, and any installation, construction, remodeling, enlargement, alteration, removal, or demolition with any such building or structure.

(C) "Building Inspector" means a Building Inspector retained or employed by the State, County, or Village. If the Building Inspector is to enforce the State Uniform Dwelling Code, he or she shall be certified for inspections by the State of Wisconsin and approved to inspect one and two family dwellings in the Village under the current Wisconsin Uniform Dwelling Code or its successor code. If the Building Inspector is to enforce the State Building Code, he or she shall be certified for inspections by the State of Wisconsin and approved to inspect commercial buildings. A Village Building Inspector appointed by the Village Board may be retained or employed by the Village.

(D) "Camping Unit" means structures less than 400ft², used for seasonal overnight purposes, built or placed in a fixed location within a campground licensed by the Department of Agriculture Trade and Consumer Protection.

(E) "Construction" means any part or portion of the activity of installing, locating, siting, erecting, or raising a building.

(F) "Demolition" means the activity of completely or partially destroying a previously erected or constructed building.

(G) "Electrical" means the trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

(H) "Garage, Private" means a private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.

(I) "Garage, Public" means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold or stored for monetary gain as a business.

(J) "HVAC" is an acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

(K) "Occupancy" means the act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence or detached residential accessory structure shall constitute occupancy.

(L) "Owner" means the individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

(M) "Plumbing" means the trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.

(N) "Repairs" means 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 esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs

(O) "Stop work order" means a directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

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

(A) Notwithstanding s. SPS 320.05, the scope 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 ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

(B) Notwithstanding s. SPS 320.05, the scope 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 Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

(C) The scope of this ordinance also includes the construction and inspection of new camping units as required in SPS 327.06, as amended.

(D)) Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to existing dwellings built after June 1, 1980.

1.5 WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325 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.

1.6 WISCONSIN CAMPING CODE ADOPTED. The Wisconsin Camping Unit Code, Chs. SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to camping units within the scope of this ordinance.

1.7 BUILDING INSPECTOR. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Department of Safety and Professional 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.

1.8 BUILDING PERMIT REQUIRED. Any person, unless exempt under this Ordinance, who constructs, installs, repairs, reconstructs, removes, demolishes, or remodels any private building or structure in the Village, including building, heating, ventilating, plumbing or electrical work or service, or who causes the same to occur, shall seek and obtain from the Village a Village Building Permit prior to commencing, or causing the commencement of, construction, removal, demolition, installation, repair, reconstruction or remodeling project. This shall include the following:

- (A) New buildings.
- (B) Additions that increase the physical dimensions of a building including decks.
- (C) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
- (D) Moving Buildings.
- (E) Razings or demolitions.
- (F) Alteration of plumbing, venting, electrical or gas supply systems.
- (G) Any electrical wiring for new construction or remodeling.
- (H) Any HVAC for new construction or remodeling.
- (I) Any plumbing for new construction or remodeling.
- (J) Camping units.

1.8.1 The following construction activities shall not require a building permit:

- (A) Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
- (B) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches,

receptacles, light fixtures, and dimmers.

1.9 SUBMISSION OF PLANS. The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

1.10 ISSUANCE OF PERMIT. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

1.11 DAMAGE TO STREETS OR HIGHWAYS. Every person receiving a building permit shall, prior to commencing construction inspect and report any damage to streets or highways that are in close proximity to construction site to Kekoskee Highway Department. Permittee is responsible to maintain the condition of said roads. If damage associated with the construction process has resulted, said permittee shall forthwith place them in good repair as they were before the permit was granted. On the failure of said permittee to do so within 10 days of project completion to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit responsible for payment of same.

1.12 OCCUPANCY PERMIT. If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

1.13 UNSAFE BUILDINGS. Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Wis. Stat. 66.0413, as amended.

1.14 RAZING AND DEMOLITION.

(A) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.

(i) Application. An application for a permit to demolish all or part of a building shall include the following information:

(a) The name and address of the owner of the building on date of application and, if different, on date of demolition;

(b) the name, address and telephone number of the contractor(s) performing the demolition work;

(c) The date upon which demolition is to commence;

(d) The date by which demolition shall be complete;

(e) A list of all hazardous substances as defined in Wis. Stat. 299.01(6), as amended from time to time, contained in the building, a statement as to whether the building contains asbestos and a detailed description of the method to be used in removing, transporting and disposing of any hazardous substances and asbestos;

(f) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste)

(g) A description of the method of demolition to be used; and a description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site.

(h) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(B) Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(C) Clearing and Leveling The Site

(i) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.

(ii) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.

(iii) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the 72 hours after written notice; the permit

holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Village provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.

(C) Removal and Disposal. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

1.15 MOVING BUILDINGS

(A) General. No person shall move any building or structure upon any of the public right-of ways of the Village without first obtaining permit therefore from the Building Inspector and upon the payment of 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 building shall be repaired, altered or moved within or into the Village that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the Village. Furthermore, if the equalized assessed value of the building is not within 20% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 20% of the lowest equalized value of any of the surrounding buildings.

(C) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night 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 a 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/Inspection. Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and Superintendent of Public Works on an inspection of the route the building will travel within the Village limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the Superintendent of Public Works, inspect the streets and highways over which said building has been moved and ascertain the 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 governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.

(E) Conformance with Code. No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the 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 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 Village to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

(F) Cash Deposit.

(i) Before a permit is issued to move any building over any public way in this Village, the party applying for said permit shall make a cash deposit to the Village in a sum, to be fixed by the Village, which sum shall not be less than Five Thousand Dollars (\$5,000.00). Said cash deposit shall be held for indemnification of the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Village in connection therewith, arising out of the removal of the building for which the permit is issued. The cash deposit shall be refunded if after the building is moved and the Building Inspector and Supervisor of Public Works have found the permit was complied with and no damages were caused by the move.

(ii) The cash deposit required by (a) shall be further conditioned upon the permittee erecting 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. The Building Inspector may waive the timelines in this paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under 12 years of age.

(G) Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000), or such other coverage as deemed necessary.

(H) Village.

(i) Before any permit to relocate a building may be issued, the Village shall examine the application for the permit and approve the application by a majority vote.

(ii) The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.

(iii) The Village shall not grant a permit unless the Board has taken a view of the building proposed to be moved and of the site at which it is to be located.

(iv) The Village may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the Village. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.

(v) In case the applicant proposed to alter the exterior of said building after moving the same, 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 deposit a cash deposit of not less than \$5,000 with the Village to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This cash deposit shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Village. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Village Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.

(vi) No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(vii) Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the Village to consider the application. The Building Inspector shall inform the Village whether or not the application complies, in all respects, with all other ordinances of the Village. The Village may, if it desires, hold a public hearing on the permit.

1.16 EXTERIOR FINISH REQUIRED. The exterior walls shall be covered with a permanent weather resistant finish. Tarpaper or similar material is not acceptable.

1.17 MAINTENANCE OF YARDS. During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Village. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

1.18 BUILDING PERMIT FEE. The building permit fees shall be determined by resolution and shall include \$30.00 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. A camping unit building permit shall be determined by resolution and shall include \$30.00 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any camping unit. A person who obtains a Wisconsin camping unit building permit from the Village shall retain the Village to conduct the inspection of the camping unit as required under s. SPS 327.11. The inspection fee for camping units shall be \$30.00.

1.19 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, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

1.20 STOP WORK ORDER. The Building Inspector may issue a stop work order for a project to prevent further non complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the Village. The Village shall hear the appeal within seven days. The Village shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

1.21 VARIANCE. The Village shall hear requests for variances from the building code to the extent the

Village has authority to hear and grant variances. The Village shall approve, conditionally approve, or deny a requested variance. The Village may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

1.22 APPEALS. Any person aggrieved by the denial of an application may appeal the determination in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department of safety and professional services shall review and make a determination on an appeal of denial of a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the appeal.

1.23 DISCLAIMER AND NON-LIABILITY FOR DAMAGES. This ordinance shall not be construed as an assumption of liability by the Village or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

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

1.25 EFFECTIVE DATE. This ordinance shall be effective, upon passage and publication as provided by law.

1.26 The building inspector(s) shall keep a log of all inspections completed.

Adopted this 9th day of May, 2019.


Donald Hilgendorf, President


Allen Schellinger, Trustee


Loris Geschke, Trustee

Attest: 
Mary Dessereau, Clerk