

CHAPTER 2

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CHAPTER 2 BUILDING AND MECHANICAL CODES

2.01 BUILDING CODE

- (A) **PURPOSE:** This Code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all buildings or structures.
- (B) **SCOPE:**
- (1) No building or structure shall be constructed, installed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired, or removed, except in conformity with this Code, and with orders of the Inspection Department issued hereunder. The owner and the person constructing, installing, altering, repairing or removing of a building or structure shall be jointly and severally liable for compliance with the terms and conditions of this chapter and with any orders of the Inspection Department issued hereunder.
 - (2) Nothing in this Code shall prohibit the raising or lowering of a building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered in violation of the provisions of this Code.
 - (3) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirements for the new use as provided in this Code.
- (C) **WISCONSIN BUILDING CODES:** Wisconsin Administrative Code, Chapters ILHR 20, 21, 23, 24, and 25 (effective June 1, 1980), 22 (effective December 1, 1978), 50 through 64, and 160 through 164, and all amendments thereto, are hereby adopted by reference and made a part hereof.

2.02 PLUMBING CODE

- (A) **STATE PLUMBING LICENSE REQUIRED:** No person shall carry on the business of plumbing or do any plumbing work until he shall have first obtained the proper license so to do from the State. An unlicensed person may remove stoppages in drain pipes or repair valves or faucets. No person shall install plumbing unless at all times a licensed Wisconsin master plumber is in charge, which shall be responsible for the proper installation.
- (B) **ADOPTIONS BY REFERENCE:** The State Plumbing Code, adopted by the Department of Industry, Labor and Human Relations, and Chapter 145 Wisconsin Statutes, are hereby adopted by reference as part of this Chapter. No plumbing shall be installed except in accordance with the State plumbing Code adopted by the Department of Industry, Labor and Human Relations, Chapter 145, of the Wisconsin Statutes, and any amendments thereto, and this Code. All one and two family dwellings and manufactured buildings for dwellings, the initial construction of which was commenced on or after June 1, 1980, and additions or alterations to such dwellings shall comply with Wisconsin Administrative Code, Chapter ILHR 25, and all amendments thereto, which is herein adopted by reference and made a part hereof.

2.03 ELECTRICAL CODE

- (A) **ADOPTIONS BY REFERENCE:** Except as otherwise regulated by this ordinance, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Statutes of the State,

and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this ordinance or by the State Electrical Code, conformity with the regulations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property. However, the Inspection Department may permit trial installations of new wiring methods after such installations have been recommended by the board of Electrical Examiners. If, upon reinspection, trial installations are considered hazardous, they must be removed upon order of the Inspection Department.

(B) **INSPECTIONS:** Upon the completion of the wiring of any building or before any wiring is to be hidden from view, it shall be the duty of the person, firm, or corporation doing the wiring to notify the electrical/building inspector, and he/she shall inspect the installation. If, upon inspection, the electrical/building inspector determines that such installation is fully in compliance with this chapter and does not constitute a hazard to life or property, he/she shall approve the installation and authorize concealment of such wiring or connection for electrical service. If the electrical inspector determines that the installation is incomplete or not strictly in accordance with this chapter, he/she shall issue orders to the person installing the wiring to remove all hazards and make necessary changes or additions within ten days.

1) **Inspections Required**

- a. **Rough Inspections.** All wiring systems covered under this code, which are to be covered or hidden within the building, shall be inspected before concealment.
- b. **Service Inspections.** When a wiring system is to become energized, it shall first be approved by the building/electrical inspector.
- c. **Final Inspections.** Prior to occupancy, a general inspection of all equipment shall be required. (Code 1974, 17.04)

2) **Fees: Permits Required.** The Electrical Inspector shall issue permits for all electrical installations upon filing of a proper application which shall be made on forms furnished by the Electrical Inspector. The application shall prescribe the nature of work, as well as such other information as may be required for inspection. A permit may be issued to a property owner but work shall not begin prior to issuance of a permit. The permit fee may be doubled if work is commenced without first obtaining a permit.

3) **Service Charge.** The fee for a service charge shall be as provided below. If additional openings are added at the time of a service change (other than required circuits), the fee structure for building alterations, repairs, and remodeling shall be used in lieu of a service change fee, if greater. However, in no case shall the fee exceed those calculated for new buildings and additions.

1. Singled-family \$40.00
2. Two-Family \$50.00
3. All Others \$60.00

4) **Permits May Be Refused.** The Electrical Inspector or other person authorized to issue permits pursuant to this Chapter may refuse to issue permits to any person who has refused or neglected to pay for previous permits after due notice thereof. Permits may also be refused to any person who has refused or neglected to correct any violations of this Chapter after due notice thereof.

2.04 HEATING, VENTILATING, AIR CONDITIONING AND APPLIANCES

(A) HEATING EQUIPMENT, GENERAL REQUIREMENTS, ALL FUELS

(1) **Installation.**

- (a) All heating equipment shall be connected to a chimney or an approved vent with a positive draft, which approved vent, shall be installed according to manufacturer's specifications.

- (b) Automatic equipment shall incorporate a high limit control to insure safe operations. A thermostat on an automatic space heater shall be construed as a high limit control.
- (c) Combustion air shall be supplied where needed to insure proper combustion.
- (d) Automatic steam heating equipment shall have a low water safety cut-out control.
- (e) Fuel supply fittings shall be mechanically tight, so as not to create a fire hazard.
- (f) Vent connectors shall have clearance to combustibles on all sides of 18 inches for solid and liquid fuels, and of 6 inches for gaseous fuel, unless less clearance is approved by Underwriter's Laboratories, Inc. or other approved testing laboratory.

(2) Maintenance.

- (a) Flue passages, flue connectors, breeching, smoke pipes, chimneys and vents shall be kept clean and shall not restrict the flow of combustion gases.
- (b) Heating equipment shall be so maintained as to be gas-tight.
 - (1) Fire pots, combustion chambers, heat exchangers, flue passages and connected parts that are cracked, broken or burned through shall be repaired or replaced.
 - (2) Gaskets, caulking, welds, and joints shall be gas-tight and shall not allow products of combustion to escape.
 - (3) Flue connectors, breeching, and smoke pipes that are not gas-tight shall be repaired or replaced.

(B) STATE CODES: The State Heating, Ventilating and Air Conditioning Code (Wisconsin Administration Code chapter ILHR 50 to 64 and Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code Chapter ILHR 23 for all one and two family dwellings, initial construction of which was commenced on or after June 1, 1980, and all amendments thereto, are hereby adopted by reference and made a part hereof.

(C) In order to promote the health and well-being of the residents of the Village of Stoddard, Chapter Two of the Stoddard Ordinance is created to read as follows:

1. Definition: "Solid fuel-fired outdoor device designed or constructed for solid fuel combustion so that the heat produced is transferred or conveyed to the interior of one or more buildings.
2. Installation after January 1, 2005 Prohibited. The installation or construction of a solid-fuel fired outdoor heating device within the Village of Stoddard is prohibited after January 1, 2005.
3. Penalty. Any person who violated any provision of this chapter shall be required to forfeit not less than \$50.00 nor more than \$200.00 together with the cost of prosecution, and in default of payment shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation continues shall constitute a separate offense. The Village and any resident may enjoin a violation of this chapter.

2.05 MANUFACTURED HOUSING

A: MANUFACTURED HOME: A “manufactured home” is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. §§5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101.96, Wis Stats. and chapter ILHR 27 of the Wisconsin Administrative Code, and

1. Is designed to be used as a dwelling, and
2. When placed on-site:
 - a. Is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and
 - b. Is off its wheels, and
 - c. Is properly connected to utilities, and
 - d. Is installed in accordance with the manufacturer’s instructions or a plan certified by a registered architect or engineer so as to insure proper support for the home, and
 - e. Has no tow bars, wheels or axles attached to it.

Manufactured homes are subject to the same standards as site built homes.

B: MOBILE HOME: “Mobile home” includes a structure manufactured or assembled prior to June 15, 1976 designed to be towed as a single unit and is intended to be used primarily for human habitation. “Mobile Home” includes a structure, which has been certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426, or which has been certified and labeled as a manufactured home under §§ 101.90-101.96. Wis. Stats. and Chapter ILHR of the Wisconsin Administrative Code, if the structure:

1. Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner, or
2. Is on wheels, or
3. Is not properly connected to utilities, or
4. Has tow bars, wheels or axles attached to it, or
5. Has not been installed in accordance with the manufacturer’s instructions or a plan certified by a registered architect or engineer so as to insure proper support for the structure.

C: DWELLING: A “dwelling” is a building, a portion of a building, a manufactured building, a manufactured dwelling or a manufactured home (but not a mobile home), designed or used exclusively for residential occupancy, including single-family dwellings, two –family dwellings, and multiple-family dwellings, but not including hotels, or lodging houses.

E: MINIMUM STANDARDS FOR DWELLINGS

1. Roof All dwellings shall have a roof with a pitch of at least four inches in height for each foot of width and an eave which extends at least 12 inches from the wall which supports the roof. All dwellings, accessory garages and carports shall have a roof surfaced with any of the following:
 - a. Wood shakes
 - b. Asphalt
 - c. Composition or wood shingles
 - d. Clay, concrete, or metal tiles
 - e. Slate
 - f. Built-up gravel materials.
2. Siding. The exterior sides of all dwellings, and accessory garages and carports, shall be covered with siding made of wood, masonry, concrete, stucco masonite, vinyl or metal lap. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
3. Foundation. All dwellings shall be placed on an enclosed permanent foundation which does not extend more than 24 inches above the exterior finished grade of the lot. EXEPTION: when the grade of the lot slopes, only that portion of the foundation, which is on the highest point of the lot, must meet the requirements of this paragraph.

4. Minimum Width. The street side of every dwelling shall be not less than 25 feet in width. Only one street side of a dwelling on a corner lot need be 25 feet in width. Attached garages, carports and open decks shall not be included in the measurement of the width of the street side of a dwelling.
5. Ratio of Length to Width. The ratio of a dwelling's length to its width shall be no greater than 5 to 2.
6. Minimum Floor Area. Every single-family dwelling and duplex shall contain a minimum gross floor area of not less than 1000 square feet.
7. Nonconforming Use. A dwelling, which does not meet the minimum standards set forth herein and occupied as a permanent residence at the time of passage of the ordinance, shall hereafter be deemed a nonconforming use. The nonconforming use may continue in the same manner and under the same rules as any other nonconforming use.
8. Waivers for new construction. The Board of Appeals may waive one or more of the minimum standards set forth herein upon a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with other dwellings in the vicinity.

2.06 UNUSED

2.07 BUILDING INSPECTOR, PERMITS, FEES

- (A) **BUILDING INSPECTOR:** The Village Board shall appoint the Building Inspector to administer and enforce this ordinance, to issue required permits, to inspect buildings and the use of land and buildings to order the remedying of violations of this ordinance and to act as Secretary of the Board of Appeals.
- (B) **PERMITS:** No buildings shall be erected, except for normal maintenance, and no existing buildings shall be altered, repaired or moved until a building permit shall have been applied for in writing and issued by the Building Inspector. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving.

Petitions for rezoning may be submitted only on payment of the fees specified in Paragraph (D) hereof.

A conditional use permit shall be obtained from the Board of Appeals before a use requiring a conditional use permit may be made of any land or building.

Forms for applications for permits and for petitions for rezoning shall be supplied by the Building Inspector.

Each application for a building permit or a conditional use permit and each petition for rezoning shall be accompanied by a drawing or plat in duplicate, drawn to scale and showing the following: location and dimensions of lot, proposed buildings, proposed off-street parking spaces, proposed sewer, waste disposal and water supply system, and other information required by the Building Inspector for the purpose of this ordinance.

- (C) The Zoning Board of the Village of Stoddard is hereby established and shall consist of all trustees of the Village of Stoddard. The Zoning Board shall meet not less than once every two months, unless no petitions for rezoning are presented to the Board within a two month interval.
- (D) **FEES:** The following fee schedule shall apply for permits and petitions for rezoning:
 - (1) Petition for Rezoning - \$50.00 except when the applicant requires a public hearing other than a regular Village Board meeting, the filing fee will be \$300.00.

- (2) Conditional Use Permit - \$25.00 except when the applicant requires a public hearing other than a regular Village Board meeting, the filing fee will be \$300.00
- (3) Building Permit – New construction up to \$200,000.00, the cost of permit will be \$500.00, new construction over \$200,000.00, the cost of permit will be \$500.00 plus \$3.00 per \$1,000.00 on amount over \$200,000.00. Garages, alterations, additions, repairing or moving of a building, etc. up to \$10,000.00, the cost of the permit will be \$40.00, and over \$10,000.00, the cost of permit will be \$40.00 plus \$4.00 per \$1,000.00 over \$10,000.00. A wrecking permit fee will be \$40.00.
- (4) Service Charges, New Construction: Utility charges on new construction which is, or will be connected to the Village Water and Sewer systems, shall commence on a date four months after the date the building permit is issued for such new construction, or on occupancy of the building, whichever shall first occur. The water connection charge will be \$500.00, and the sewer connection charge will be \$500.00.

(E) VALIDITY OF PERMIT: A building permit shall expire twelve months after the date of issuance unless the Building Inspector for reasonable cause shall have specified a longer period of validity for the permit when the permit was issued or for reasonable cause shall extend the expiration date of the permit before the permit has actually expired.

2.08.1 CERTIFICATE OF COMPLIANCE: No vacant land shall be occupied or used except for farming and gardening and no building hereafter erected or altered shall be occupied or used until a Certificate of Compliance shall have been issued by the Building Inspector.

Such Certificate of Compliance shall be applied for when application is made for a building permit, but shall not be issued until within 10 days after completion of the work as described in such building permit application, and after inspection of such work by the Building Inspector.

A Certificate of Compliance shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector. A Certificate of Compliance shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

2.09 UNUSED

2.10 UNUSED

2.11 PENALTY: Any person violating any provision of this Chapter, except otherwise provided in this Chapter, including these provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and the costs of prosecution, but not exceeding ninety (90) days for violation, provided provisions of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.