

CHAPTER 14

BUILDING CODE

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14.01 TITLE. This chapter shall be known as the "Building Code of the City of Clintonville" and shall be referred to in this chapter as "this code."

14.02 PURPOSE. This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/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 such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well being of persons occupying or using such buildings, and the general public.

14.03 SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into, the City shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning code of the City and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

14.04 STATE AND NATIONAL CODES ADOPTED.

(1) **WISCONSIN ADMINISTRATIVE BUILDING AND HEATING, VENTILATING AND AIR CONDITIONING CODE.** The Wisconsin Administrative Building and heating, Ventilating and Air Conditioning code ILHR Chs. 50 through 65, the Flammable Liquids code IND Ch. 8, and all amendments thereto are hereby made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply. A copy of said codes is on file in the office of the Building Inspector.

(2) **WISCONSIN UNIFORM DWELLING CODE.** The Wisconsin Uniform Dwelling Code, Wis. Adm. Code ILHR Chs. 20 through 25 and all amendments thereto are hereby made a part of this chapter by reference and shall apply to all new and existing 1 and 2 family dwellings and all alterations and additions thereto. A copy of said code is on file in the office of the Building Inspector.

(3) **NATIONAL FIRE PROTECTION CODE.** NFPA211, as it applies to chimneys, fireplaces, vents and solid fuel burning appliances, is hereby made a part of this chapter and shall apply to existing 1 and 2 family dwellings and detached garages, accessory buildings and all alterations and additions thereto built prior to June 1, 1980. A copy of said code is on file in the office of the Building Inspector.

(4) **STATE PLAN EXAMINATION AND APPROVAL.**

(a) All new construction, additions and alterations shall comply with the provisions of ILHR 50.12, 50.13 Plan Examination and Approval regardless of the cubic feet total volume.

Also, included in the plan examination and approval are a hangar for one airplane and a storage garage.

The only buildings exempt from code requirements and State Plan approval are those buildings as defined in 50.04, Wisconsin Administrative Code.

14.05 BUILDING INSPECTOR.

(1) APPOINTMENT. See sec. 1.03(7) of this Code.

(2) QUALIFICATIONS.

(a) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.

(b) The Building Inspector shall be certified by the Wisconsin Department of Industry, Labor and Human Relations to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.

(3) GENERAL POWERS AND DUTIES. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any questions arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He shall direct the activities of the Plumbing Inspector and the Electrical Inspector.

(4) RECORDS. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a quarterly report to the Council on the above matters.

(5) APPEALS. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Board of Zoning Appeals, such appeal to be in writing.

14.06 BUILDING PERMITS AND INSPECTION.

(1) PERMIT REQUIRED. No building of any kind shall be moved within or into the City and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the City, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and the address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

(3) UTILITIES REQUIRED. No occupancy permit shall be issued for the construction of any residential building until sewer is installed and grading and graveling of the street necessary to service the property for which the permit is required is completed. See ch. 17 of this Code.

(4) PLANS. With each application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry,

Labor and Human Relations, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new 1 and 2 family dwellings shall comply with the provisions of Wis. Adm. code IHLR 20.09(4).

(5) **PLAT OF SURVEY REQUIRED.** A plat of survey prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:

- (a) The subject sit.
- (b) The existing and proposed structures.
- (c) The existing and proposed easements, streets and other public ways.
- (d) Off-street parking, loading areas and driveways.
- (e) The existing highway access restrictions.
- (f) The existing and proposed street, side and rear yards.

In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 60 feet of the subject site. The Building Inspector may waive any portion or all of the requirements of this subsection if the property owner or agent locates his or her property lines by the use of the existing monuments which conform to the recorded plat or available map. Amended 8-17-91.

(6) **APPROVAL OF PLANS.** If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the City and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. 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 or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the centerline of the adjacent street. The Building Inspector may waive the requirement that the finished grade adjacent to all new construction shall be at least one foot above finished or proposed grade of the center line of the adjacent street if the Inspector determines that said grade could not possibly be met or if said requirement presents an undue hardship to the owner, builder or developer of said new construction.

(7) **WAIVER OF PLANS.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.

(8) **GRANT OR DENIAL OF PERMIT.** After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within 10 business days.

(9) **MINOR REPAIRS AND ALTERATIONS.** The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

(10) **INSPECTION OF WORK.** The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Building Inspector shall perform the requested inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holiday, unless otherwise agreed upon between the permittee and the Building Inspector.

(11) **PERMIT LAPSES.** A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within 2 construction seasons, from the date of issuance thereof. In any event, all permits shall lapse 2 years from the date of issuance.

(12) **REVOCATION.** If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

(13) **REPORT OF VIOLATIONS.** The police or other City officers shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

14.061

Heating and Cooling Licenses.

- (1) **LICENSING REQUIREMENT.** All heating, ventilating, air conditioning (HVAC) work in the City shall be done only under the supervision of a person licensed by the City, except in those circumstances where the State of Wisconsin has certified/licensed the person as a HVAC contractor. In such event, the person certified by the State shall provide proof of said certification/licensing to the City.
- (2) **APPLICATION.** Application for a heating and cooling contractor's license shall be made in writing to the City Clerk's office. No license shall be granted until the applicant shall pay the license fee to the Clerk's office.
- (3) **LICENSE FEE.** The fee shall be set by Council resolution and said fee shall be for the year or any part thereof with license year ending on June 30.
- (4) **EXAMINATION.** Regular examinations for applicants for HVAC licenses shall be held by the Building Inspector. The examinations shall be practical and elementary in character, but sufficiently strict to test the qualifications of the applicant.
- (5) **APPEAL.** In the event the applicant is denied a license, the applicant may appeal such decision to the Board of Zoning Appeals, pursuant to Ch. 17 of this Code. Examinations may be taken every 60 days.
- (6) **LIABILITY INSURANCE.** A certificate of insurance evidencing that the applicant has in force and will maintain during the licensing period public liability insurance of not less than \$500,000 for any one person, \$500,000 for any one accident and \$50,000 for property damage.
- (7) **EXCEPTIONS.** A homeowner may personally install his/her heating, ventilating and/or air conditioning in his/her own single or two-family dwelling without a HVAC license, but a permit must be procured and work inspected and approved in the same manner as for a licensed HVAC contractor.
- (8) **COMPETENCE TO CONFORM.** An owner must prove his/her competence to conform with all rules and regulations by furnishing plans or drawings of proposed work. These must be approved by the Inspector. A home owner is a person owning and occupying as his permanent address a single family dwelling or a two family dwelling.

This Ordinance shall take effect July 1, 2007.

14.07 PERMIT FEES. The applicant shall pay for building, electric and plumbing permits and inspections pursuant to the fee schedule adopted from time to time by the Common Council effective August 1, 1999.

14.08 SMOKE DETECTORS REQUIRED. In all multi-family dwellings of 3 units or more, a smoke detector shall be installed in all common areas, all common hallways and in each dwelling unit.

14.09 RESIDENTIAL GARAGES. Residential garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Residential garages shall be located not less than 6 feet from the adjoining lot line and not less than 10 feet from any other building on the same premises when not a part of the building. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than 45 minute fire-resistive construction as specified in Wis. Adm. code ILHR 21.08.

14.10 PRIVATE SWIMMING POOLS. No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the City except in accordance with the following regulations.

(1) **DEFINITION.** "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 2 feet deep is contained and which is used primarily for the purpose of bathing or swimming.

(2) **PERMIT.**

(a) **Required.** No person shall construct, install enlarge or alter any private swimming pool unless a permit therefore has first been obtained from the Building Inspector.

(b) **Application.** Application shall be on a form provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:

1. Location of pool on lot, distance from lot lines and distance from structures.
2. Location of septic tank, filter bed and sewer lines.
3. Pool dimensions and volume of water in gallons.
4. Location and size of fence and gate location.
5. Existing overhead wiring relative to proposed pool.

(3) **CONSTRUCTION REQUIREMENTS.**

(a) No pool shall be located, erected, constructed or maintained closer to any side or rear lot than allowed by ch. 17 of this Code for permitted accessory building uses, and the waterline of any pool shall not be less than 5 feet from any setback line or building.

- (b) No connection shall be made to the sanitary sewer or septic system.
- (c) Gaseous chlorination systems shall not be used for disinfecting pool waters.
- (d) No above-ground pool shall be less than 5 feet from any septic system.

(4) PLUMBING AND ELECTRICAL REQUIREMENTS.

(a) To Comply With Plumbing and Electrical Codes. All plumbing and electrical installations shall require separate permits and shall be governed by the City or State Plumbing and Electrical Codes.

(b) Pool Lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

(5) FENCE REQUIREMENTS. All private residential swimming pools, whether in ground or above ground, shall be enclosed with an adequate and secure fence at least 48 inches high above adjoining ground. Required fences shall be constructed so as to prohibit the passage of a 6 inch diameter sphere between fence members. Any gates installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least 30 inches above ground level. A pool dome or pool top fencing attached to the pool to extend at least 48 inches above the ground, or a pool cover capable of supporting 100 pounds per square foot of area, are acceptable substitutes for fencing. Pool covers shall be fixed securely in place at all times when pool is not supervised by a responsible person. Above ground pools with walls that are at least 48 inches high at all points around said pool or have platforms and railings that are 48 inches or more in height above ground are not required to be enclosed as provided in this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates to prevent entry when the pool is not in use.

(6) USE OF POOL. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

(7) VARIANCES. The Board of Zoning Appeals may grant variances to the requirements of this section, pursuant to Ch. 17 of this Code.

14.11 NEW METHODS AND MATERIALS. All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The date, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

14.12 UNSAFE BUILDINGS. Whenever the Building Inspector finds any building or part thereof within the City to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in '66.05, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be

made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

14.13 MOVING BUILDINGS. See Chapter 8 of this Code.

14.14 SATELLITE TELEVISION ANTENNAS.

(1) PERMIT REQUIRED. No person shall install a satellite television antenna within the City until a permit is obtained from the Building Inspector.

(2) APPLICATION. Application for a permit shall be made on a form provided by the Building Inspector.

(3) PERMIT FEE. See sec. 14.07 of this chapter.

(4) DEFINITIONS.

(a) Satellite Television Antenna. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

(b) Usable Satellite Signal. A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

(5) SIZE AND HEIGHT LIMITATIONS.

(a) Antennas shall not extend more than 10 feet above the height limit established for a zone in which the structure is located.

(b) Antennas shall not exceed 11 feet in diameter in a residential zone.

(6) LOCATION AND CONSTRUCTION REQUIREMENTS.

(a) Subject to par. (d) below, in any business, commercial, agricultural or manufacturing zone, such antenna may be located anywhere on the lot or building thereon.

(b) In a residential zone, subject to the provisions contained herein, such antenna shall be located either in the rear yard of any lot or on the roof. If usable satellite signal cannot be obtained from such rear yard or roof, the antenna may be located on the side or front yard of the property, subject to the requirements contained herein.

(c) Ground-mounted antenna shall be located at least 5 feet from the nearest part of the main building on the same lot and at least 5 feet from any rear, front or side property line.

(d) No antenna on a corner lot shall be constructed within a vision triangle contrary to ch. 17 of this code.

(e) Except in business, commercial, agricultural or manufacturing zones, antenna shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.

(f) Not more than one satellite antenna shall be allowed in any residential zone on any lot less than one acre in size.

(g) All antennas and the construction and installation thereof shall conform to applicable regulations and requirements of the Building Code and the Electrical Code.

(h) Antenna shall meet all manufacturers' specifications, shall be on noncombustible and corrosive-resistant materials, and shall be erected in a secure, wind-resistant manner.

(i) Every antenna must be adequately grounded for protection against a direct strike of lightning.

(7) LOCATION, CONDITIONAL. The construction, location, installation and erection of a satellite antenna shall be on a conditional basis and, in the event said satellite antenna interferes with radio or television reception on adjacent properties, such satellite antenna shall be moved or shielded to eliminate said interference.

(8) TEMPORARY PLACEMENT PERMITTED. Satellite antennas may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed 10 days in any calendar year without a permit, provided that the provisions of this section are complied with.

(9) PREVIOUSLY ERECTED ANTENNAS. Subject to sub. (7) above, this section shall not affect any satellite antenna erected prior to the adoption of this section.

14.15 NON-ASSUMPTION OF LIABILITY. This chapter shall not be considered as assuming any liability on the part of the City or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

14.20 PENALTIES AND VIOLATIONS. Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter, shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the City Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.