
CHAPTER 15 – BUILDING CODE

TABLE OF CONTENTS

15.01 DEFINITIONS.....	3
15.02 CONSTRUCTION STANDARDS.....	4
15.03 BUILDING INSPECTOR.....	4
15.04 POWERS AND DUTIES OF THE BUILDING INSPECTOR.....	5
15.05 PERMITS.....	6
15.06 APPLICATIONS, PLANS AND SPECIFICATIONS.....	7
15.07 ISSUANCE OF PERMITS.....	8
15.08 PERMIT FEES.....	9
15.09 INSPECTIONS.....	10
15.10 CERTIFICATE OF USE AND OCCUPANCY.....	11
15.11 CONFORMANCE REQUIREMENTS FOR EXISTING BUILDINGS.....	12
15.12 UNSAFE OR UNSIGHTLY BUILDINGS.....	12
15.13 MOVING OF BUILDINGS.....	13
15.14 DEMOLITION OF BUILDINGS.....	14
15.15 APPEALS.....	14
15.16 VIOLATIONS AND PENALTIES.....	14
15.17 EFFECTIVE DATE.....	16

15.00 GENERAL PROVISIONS

- (1) **Title.** These regulations shall be known as the "Town of Union Building Code," may be cited as such, and will be referred to hereinafter as the Building Code or "this code."
- (2) **Existing Ordinance Repealed.** The provisions of ordinance Town of Union Ordinance 95-5 adopted on 9/5/1995, Town of Union Ordinance 2001-01 adopted on 4/17/2001, and Town of Union Zoning Code section 17.19 adopted on 10/5/2006 are hereby repealed and replaced by this code.
- (3) **Content and 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 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 structures. The purpose of this code is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (4) **Scope.** The provisions of this code shall apply to all buildings and structures, including but not limited to, one and two family dwellings, multifamily dwellings, commercial, industrial and agricultural buildings and other structures within the Town of Union with the exception of the following:
 - (a) Recreational vehicles and mobile homes. On-site additions, if permitted by the manufacturer, to recreational vehicles and mobile homes are not exempt.
 - (b) Historical buildings designated as such by the federal or state government.
 - (c) Temporary buildings used exclusively for construction purposes, not exceeding one story in height and not used as living quarters.
 - (d) Buildings owned by the federal government. Buildings owned by other than the federal government but leased to the federal government are not exempt.
- (5) **Application.** The provisions of this code shall apply to all new construction, all additions and alterations to existing buildings, all remodeling, repairs and maintenance of existing buildings, building use changes, buildings being moved from one location to another and to demolition of buildings.
- (6) **Responsibility.** This code shall be binding alike upon every owner of a building; every person in charge of or responsible for or who causes the construction, repair or alteration of any building or structure; and every professional engineer, architect or other person who shall prepare plans for the construction, alteration or addition to any building or structure in the Town.
- (7) **Relationship to Other Regulations.** This code shall not affect violations of any other ordinance, code or regulation prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. The provisions of this code shall not be construed to prevent the enforcement of other ordinances or regulations of the Town or of the State of Wisconsin which prescribe standards other than are provided herein. In case of conflicts among such standards, the more restrictive standard shall apply.
- (8) **Matters Not Provided For.** Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of

the occupants thereof, and which is not specifically covered by this code, shall be determined by the Building Inspector.

- (9) **Workmanship.** All work performed under the scope of this code shall be conducted, executed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.
- (10) **Maintenance.** All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.
- (11) **Liability for Damages.** This code shall not be construed as assuming any liability on the part of the Town for damages to anyone injured or for any property destroyed by a defect in any building or element.
- (12) **Code Availability.** A copy of this code shall be kept on file at the office of the Building Inspector and/or Town Clerk and shall be made available to the public for reference, inspection and purchase upon request during normal business hours. Copies of the Wisconsin Administrative Code referenced herein may be purchased from the Wisconsin Department of Administration, Document Sales and Distribution.
- (13) **Effective Date.** Except as otherwise indicated in the individual sections or subsections provisions of this ordinance are effective as to all structures and buildings constructed after April 14, 2010.

15.01 DEFINITIONS

Unless the context clearly requires otherwise, when used in this code the following terms shall have the following meanings:

- (1) **Alteration** means a substantial change or modification other than an addition or minor repair to a building or to systems (electrical, plumbing, and heating) within or on a building.
- (2) **Building Inspector** means the official in charge of the Town of Union Building Inspection and Building Code as described in Section 15.03(1) of this code or any person officially authorized by the Building Inspector or the by the Town of Union to carry out the administrative and enforcement functions prescribed in this Chapter 15.
- (3) **Building** means a structure for support, shelter or enclosure of persons and/or property, animals, including agricultural buildings, greenhouses and similar structures.
- (4) **Code** means this Chapter 15 of the General Code of Ordinances of the Town of Union.
- (5) **Maintenance** means the maintaining of existing buildings such as:
 - (a) Repairing of existing elements in the building such as replacing existing doors, windows with like sizes, and similar repairs of existing elements
 - (b) Replacing existing plumbing fixtures without moving such fixtures,
 - (c) Repairing existing electrical receptacles, light fixtures, and other minor repairs

- (d) Repairing existing heating and air conditioning equipment
- (6) **Minor Repair** means repairs of items presently installed, the estimated cost of which do not exceed the total sum of \$1000.00 and does not involve any structural or mechanical changes.
- (7) **Structure** means anything (building or object) constructed or erected having location on the ground.
- (8) **Town** means the “Town of Union”

15.02 CONSTRUCTION STANDARDS

- (1) **Adoption of State Codes.** The provisions of the following State of Wisconsin Codes and subsequent amendments and recodifications thereto are hereby adopted by reference and incorporated in this code as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this chapter and subject to enforcement and abatement procedures as set forth in Section 15.16 of this code.
 - (a) Uniform Dwelling Code, COMM 20-25, Wisconsin Administrative Code [excepting there from COMM 20.05(1) (3) (4) (5)].
 - (b) Commercial Building and Heating Ventilating and Air Conditioning Code, COMM 61-65, Wisconsin Administrative Code.
 - (c) Electrical Code, COMM 16, Volume 2, Wisconsin Administrative Code.
 - (d) Plumbing Code, COMM 81-86, Wisconsin Administrative Code
 - (e) Licensing, Certification and Registration, COMM 5, Wisconsin Administrative Code
 - (f) Historic Building Code, Chapter 70, Wisconsin Administrative Code.
 - (g) Existing Building Code, COMM 75-79, Wisconsin Administrative Code.
 - (h) Fire Prevention Code, COMM 14, Wisconsin Administrative Code
- (2) **Existing Buildings:** Areas and rooms of dwelling units which are remodeled shall comply with the adopted Code requirement as referenced in 15.02(1)
- (3) **Repeal of Conflicting Ordinances.** Any existing ordinances which are inconsistent with this section are hereby repealed to the extent of such inconsistencies.

15.03 BUILDING INSPECTOR

- (1) **Appointment.** The Building Inspector shall be appointed by the Town Board and shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Town Board.
- (2) **Organization.** The Building Inspector and the Town Board shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this code.
- (3) **Qualifications.** The Building Inspector and all other Inspectors shall possess the necessary qualifications and inspector certifications as required by the State of Wisconsin to supervise the general construction of buildings and enforce the provisions of this code. All inspectors employed by the Town shall possess necessary Department of Commerce, Safety & Buildings Division Inspector certifications as mandated by law and other qualifications as required by the Building Inspector and the Township.

- (4) Restrictions on Employees.** All inspectors employed by the Town shall not be engaged in directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of any building within the Town, or the preparation of plans or of specifications thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work which conflicts with official duties or with the interest of the Town.
- (5) Relief from Personal Responsibilities.** The Building Inspector or other Inspectors charged with the enforcement of this code, while acting on behalf of the Town, shall not thereby be rendered liable personally, and the Inspector(s) are hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any Inspector(s) because of an act performed by that person in the lawful discharge of duties and under the provisions of this code, shall be defended by the legal representative of the Town until the final termination of the proceedings. The Building Inspector or any subordinates shall not be liable for any costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any Inspector, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

15.04 POWERS AND DUTIES OF THE BUILDING INSPECTOR

- (1) State Statute Reference.** The Building Inspector shall be held to be the same officer as referred to in the Wisconsin Statutes as building inspector, and who shall have the same powers and duties. The Building Inspector shall enforce all the provisions of this code and all other State laws and Town ordinances relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this code. The Building Inspector shall have full power to pass upon any question arising under the provisions of this code subject to the conditions contained herein
- (2) Rule Making Authority.** The Building Inspector shall have the power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate orders and directives, to interpret and implement the provisions of this code to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this code.
- (3) Duties, Permits, Inspections and Correction Orders.**
- (a) The Building Inspector shall be responsible for the issuance of all permits required by this code and for the inspection of all work for which such permits have been issued.
 - (b) The Building Inspector shall enforce compliance with the provisions of this code and shall issue necessary notices and correction orders to insure compliance with all code requirements for the health, safety and general welfare of the public.

- (c) The Building Inspector shall administer and enforce all provisions of the Town Ordinances, specifically the Building and Zoning regulations of the Town.
- (4) Record Keeping.** The Building Inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulation.

15.05 PERMITS

(1) Building Permits Required:

- (a) No person shall erect or construct any building or structure whatsoever or add to, enlarge, move, improve, alter, extend, convert or demolish any building or structure or cause the same to be done or commence any work covered by this code on any building or structure without first obtaining a building permit therefore from the Building Inspector.
- (b) Permanently installed in-ground swimming pools.
- (c) Agricultural buildings
- (d) Towers, antennas and similar type structures

(2) Building permits not required:

- (a) Minor repairs required for the maintenance and upkeep of any building which do not exceed a cost of \$1,000 and do not involve a change in use, do not affect the structural strength, fire hazard, exits, natural lighting or the replacement of a major piece of equipment.
- (b) Residential accessory buildings and storage sheds not used to house motor vehicles and 80 square feet or less in floor area, provided such buildings conform to all setback, yard and open space requirements in this Code and other Town Ordinances
- (c) Detached uncovered wood decks with floor surfaces less than 12 inches above adjacent grade level for the entire perimeter of the deck
- (d) Satellite dishes and antennas intended for private residential use.
- (e) Reroofing, residing and other similar nonstructural “maintenance”.

(3) Compliance with Construction Standards. Construction referred to in Section 15.05 (1) (a-e) above shall comply with all applicable code sections and construction standards regardless of building permit requirements.

(4) Electrical Permits. No person shall commence any electrical work covered by this code without first obtaining an electrical permit for such work from the Building Inspector. Maintenance and minor repairs of existing electrical equipment shall not require a permit.

(5) Plumbing Permits. No person shall commence any plumbing work covered by this code without first obtaining a plumbing permit therefore from the Building Inspector. Maintenance and minor repairs of existing plumbing system and associated fixtures shall not require a permit.

(6) Heating Permits. No person shall commence any heating, ventilating or air conditioning (HVAC) work covered by this code without first obtaining a heating

permit therefore from the Building Inspector. Maintenance and minor repair of existing HVAC equipment shall not require a permit

- (7) Waiver of Permits.** If, in his/her opinion, a proposed alteration to a building or equipment is insignificant, or the equipment or part is being replaced through normal maintenance, the Building Inspector may waive the requirement of a permit.

15.06 APPLICATIONS, PLANS AND SPECIFICATIONS

- (1) Permit Applications.** Application for a permit shall be made by the owner of the building or structure or an authorized agent and shall be made in writing upon a blank form furnished by the Building Inspector. The permit application shall contain:

- (a) The name, mailing address and phone number of the owner of the building and land.
- (b) The name, mailing address and phone number of the engineer, architect, designer or contractor responsible for the work.
- (c) Copies of licenses of Contractors, when required to be licensed by the State of Wisconsin.
- (d) A general description of the proposed work, location of the proposed work, the use and occupancy of all parts of the building or structure.
- (e) Any other information as required by the Building Inspector to enforce the provisions of this Code.

- (2) Plans Required.** Building plans, site plans and specifications shall accompany every application for a permit and shall be filed in duplicate with the Building Inspector.

- (a) One and two family dwellings: All plans submitted shall be legible, drawn to the minimum scale of 1/4" to 1" for one and two family dwellings and include the information required by COMM 20.09(4) (5).
- (b) Commercial and Industrial Buildings covered by COMM 61.02: All plans shall contain sufficient information to determine compliance with this code and all other applicable regulations. All plans shall be prepared in accordance with the provisions in COMM 61.31 and of this code. Plans shall bear the name of the architect, engineer or designer who prepared them, if any, and shall be of sufficient clarity to clearly indicate the nature and character of the work proposed. All plans for projects involving buildings over 25,000 cubic feet and up to 50,000 cubic feet shall be designed and signed by a Wisconsin Registered Architect or Engineer and be subject to the requirements in COMM 61.31.

- (3) Review by Town Board, Plan Commission or other Agencies.** Building plans requiring review by the Town Board, Plan Commission or State agencies such as the Department of Commerce shall be reviewed and stamped "Approved" or "Conditionally Approved" by said departments or agencies prior to submittal for permits required by this Code.

- (4) Quality of Materials.** When the quality of materials is essential for conformity to this code, specific information shall be given on plans submitted to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

- (5) **Waiver of Plans.** The Building Inspector may waive the requirement for the filing of plans when the work involved is of a minor nature, when plans would not sufficiently show the nature and character of the work, or when the work is adequately described on the permit application. A detailed written description of all work proposed, may also be substituted for building plans, at the discretion of the Building Inspector.
- (6) **Amendments to Plans.** Subject to the limitations described in Section 15.06 (7) of this code, amendments to a plan, application or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments are subject to the same review and approval process as the original plans and shall be deemed part of the original application.
- (7) **Time Limitations.** An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued; except that the Building Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

15.07 ISSUANCE OF PERMITS

- (1) **Plan Review and Permit Issuance.** The Building Inspector shall examine all applications for permits, plans and amendments thereto within a reasonable time after filing. If the application, plans and specifications are in substantial conformity to the requirements of this code, with all applicable ordinances of the Town, including, but not limited to the Zoning requirements and with all laws and lawful orders of the State, the Building Inspector shall, upon receipt of the required fee(s), issue a permit for said work and shall sign, date and stamp the plans "Approved" or "Conditionally Approved."
- (2) **Approved Plans.** One set of approved plans and specifications shall be retained by the Building Inspector and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept at the job site at all times until the work authorized thereby is completed and shall be made available for inspection by any Township Inspector. Such approved plans and specifications shall not be changed, altered or modified in any respect which involves any of the laws, ordinances or administrative rules referred to above, or which involves the safety of the building or its occupants, except with the consent of the Building Inspector.
- (3) **Building Permit Card.** With every building permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out as evidence of permit issuance and the applicant shall post the card in a conspicuous place on the job site. The card shall be unobstructed from public view and shall remain posted until all the work covered under the permit is completed.
- (4) **Permit Expiration.** A permit issued under the authority of this code shall have lapsed and be void unless building operations are commenced within 6 months from the date the permit was issued and shall be completed within 24 months from the date the permit was issued. When projects are not completed and not issued a Certificate of Occupancy within the 24 months, a new building permit shall be required, fees shall be based on the fee schedule existing at this 24 month timeframe and shall be computed the same as the original permit for the project. Any exterior portion of a

building project which is visible to the public and which is not completed within the allotted 24 month period shall constitute a public nuisance. It is unlawful for a person to commence but fail to complete all repairs during the time in which the permit is valid.

- (5) Permit to Start Construction.** The Building Inspector or designated appointee is authorized to issue a "Permit to Start Construction" for the construction of foundations or any other part of the building or structure before the plans and specifications for the entire building or structure have been submitted, but work on any building shall not be commenced unless Department approval has been granted or a permit has been issued. The holder of a "Permit to Start Construction" shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- (6) Permit Suspension or Revocation.** The Building Inspector may suspend or revoke a permit or approval issued under the provisions of this code where the Building Inspector or authorized official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this code, or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the Building Inspector shall order be done as a condition precedent to the issuance of a new permit, or which the Building Inspector may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property and the general public.
- (7) Permit Authority.** The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give the authority to violate or fail to comply with the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in the application, plans, specifications or construction.

15.08 PERMIT FEES

- (1) Fee Schedule.** A fee schedule for all permits issued by the Building Inspector shall be as set forth in the Fee Schedule. The fee schedule shall be kept on file in the Town Clerk's office and shall be referred to as the "Building Inspection Permit Fee Schedule." The Building Inspection Permit Fee Schedule shall be considered a supplement to this code and shall be made available for reference and public inspection during normal business hours. The fee schedule shall be approved by resolution of the Town Board.
- (2) Payment of Fees.** Permit fees shall be paid by the applicant prior to permit issuance. The Building Inspector and/or Town Treasurer shall collect all permit fees, and keep an accurate account of all fees collected.
- (3) Delinquent Permit Penalty.** Permit fees shall be doubled if any work is commenced prior to permit issuance.

- (4) **Waiver of Permit Fees.** Permit fees may be waived for buildings and structures owned by the Town if such waiver is granted by the Town Board.

15.09 INSPECTIONS

- (1) **Inspections Required.** Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The Building Inspector shall determine the number and types of inspections to be completed for each building project, but in no case shall any electrical, plumbing or heating installations be enclosed or any structural portion of any part of any building or structure be covered or concealed prior to completion of required inspections and approval by the Building Inspector except as specifically provided for in 15.09 (2) of this code. After inspection the Building Inspector may issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon making of which changes the certificate may be issued. After the issuance of such certificate, no structural part of such building shall be changed.
- (2) **Requests for Inspections.** The permit applicant or an authorized representative shall notify the Building Inspector after the completion of each phase of construction and shall request all inspections orally or in writing. The Building Inspector shall make every reasonable attempt to complete all requested inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval has been granted by the Building Inspector, however, construction may proceed if an inspection is not completed within two business days after proper notification has been received unless otherwise agreed upon by the Building Inspector and the applicant.
- (3) **Inspection Types.** In general, the following inspections shall be completed for all building projects whenever applicable:
- (a) Building Sewer Inspection - To be completed after building sewer is installed, while the water or air test is on, but before being covered or concealed.
 - (b) Footing Inspection - To be completed after forms and required reinforcing are in place but before concrete is poured.
 - (c) Foundation Inspection - To be completed after forms are removed but before backfilling. Drain tiles (when required) shall be in place and foundation waterproofing and insulation shall be applied.
 - (d) Rough Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction and framing work. Inspections shall be completed after all rough work is finished but before it is covered or concealed.
 - (e) Insulation/Energy Inspection - To be completed after insulation and vapor barrier are in place but before they are covered or concealed.
 - (f) Final Occupancy Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction work after all work is finished but before use or occupancy of the building or part thereof.
- (4) **Notification of Inspection Results.** The Building Inspector shall inform the permit applicant and/or property owner of the results of all inspections completed.

Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site, a written inspection report mailed to the applicant and/or property owner, or verbal communication between the inspector and the applicant, property owner, an authorized representative or other responsible party.

- (5) Stop Work Order.** Upon notice from the Building Inspector that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described in 15.16 of this code.
- (6) Right of Entry.** The Building Inspector or any other Inspector(s) employed by the Town may, at all reasonable times in performance of his or her duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this code and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating or air conditioning work. In carrying out this authority, the Building Inspector or any other Inspector(s) employed by the Town shall comply with the provisions of Wis. Stat. §66.0119, if applicable.
- (7) Inspection Disclaimer.** Inspection findings are intended to report conditions of apparent 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 non-structural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

15.10 CERTIFICATE OF USE AND OCCUPANCY

- (1) New Buildings.** No building or structure hereafter erected shall be used or occupied in whole or in part until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (2) Buildings Altered.** No portion of any building or structure hereafter altered, enlarged, moved, improved or converted from one use to another, shall be used or occupied until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (3) Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Occupancy provided there are no violations of law or orders of the Building Inspector pending and it is established that the alleged use of the building has heretofore legally existed. Nothing in this code shall require the removal, alterations, or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.

- (4) Temporary Occupancy.** Upon request of the holder of a permit, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

15.11 CONFORMANCE REQUIREMENTS FOR EXISTING BUILDINGS

- (1) Major Alterations and Repairs.** The requirements specified in this section shall apply to all existing buildings which do not conform to the requirements of this code for new buildings. If alterations or repairs are made to any existing building, where deemed practicable by the Building Inspector, the entire building shall be made to conform to the requirements specified herein for new buildings.
- (2) Change of Use or Occupancy.** If the existing use or occupancy of any existing building or structure is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements specified herein for new building; provided, the use or occupancy of only a portion or portions of the buildings need to be made to comply with such requirements, and provided further that the Building Inspector may approve any such change in the use or occupancy of any existing building or structure, even though such building is not made fully to conform to the requirements of this code, if, in his/her judgment, such a change in use or occupancy of the existing building or structure will not extend or increase any non-conformity or hazard of the building and provided further that such use or occupancy conforms to the provisions of the Zoning Code, of the Town of Union general ordinances as shown by the approval of the Plan Commission and as shown by the stamp of approval of the Fire Chief or Assistant Fire Chief.
- (3) Structural Alterations and Repairs.** Every alteration or repair to any structural part or portion of any existing building or structure shall, when deemed necessary for the safety of the occupants in the opinion of the Building Inspector, be made to conform to the requirements of this code.

15.12 UNSAFE OR UNSIGHTLY BUILDINGS

- (1) Order to Comply and Notice.** Whenever the Building Inspector finds that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by lack of maintenance, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he/she shall order the owner or responsible tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary. The owner or responsible tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.
- (2) Emergency Measures.** Where the public safety requires immediate action, the Building Inspector may enter upon premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

15.13 MOVING OF BUILDINGS

- (1) **Permit Required.** A permit shall be obtained from the Building Inspector prior to the moving of any building or structure within or into the Town.
- (2) **Compliance.** Buildings or structures moved within or into the Town shall comply with the provisions of this code for new buildings and structures where deemed practical by the Building Inspector.
- (3) **Conformance with Existing Buildings.** The building or structure to be moved shall conform to the existing buildings in the area in which it is to be moved as determined by the Plan Commission.
- (4) **Unsafe or Unfit Buildings.** No building or structure shall be moved within or into the Town if deemed by the Building Inspector structurally unsafe.
- (5) **Bond Required.** Before a permit to move any building or structure is issued by the Building Inspector, the party applying therefore shall give a bond in the sum of \$10,000 with good and sufficient sureties to be approved by the Building Inspector, Town Board and Town Attorney, conditioned, among other things, that such party will save and indemnify judgments, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit. All Town roads which will be used for the move shall be inspected by the Road Commissioner and/or Town Board Designee before such move occurs and the same person shall inspect the Town roads after the move is completed to assess any damage. There shall be an escrow account set up before a moving permit shall be issued in the amount of \$450.00 per mile to cover any costs for this inspection. The actual cost of the road inspection will be removed from the escrow account by the Town Clerk and the remainder shall be returned to the applicant of the moving permit.
- (6) **Conditions of Approval.** Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken, and limit of time for removal.
- (7) **Regulations for Buildings in Transit.** The removal of a building shall be continuous during all hours of the day and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved, in writing, by the Rock County Sheriff Department.
- (8) **Damage to Streets and Highways.** Every person receiving a permit to move a building or structure shall within one day after reaching its destination, report the fact to the Building Inspector who shall report the same to the Road Commissioner and/or Town Board designee who shall thereupon inspect the streets and highways over which the building was moved, or cause the same to be done, and ascertain their condition. If the removal of the building or structure has caused any damage to the streets or highways over which moved, the building mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the building mover to do so within ten days thereafter, to the satisfaction of the Road Commissioner and/or Town Board designee, the Town shall order the repair of the

damage done to such streets and highways and hold sureties of the bond given by the building mover responsible for the payment of same.

15.14 DEMOLITION OF BUILDINGS

- (1) Permit Required.** A permit shall be obtained from the Building Inspector prior to the razing or demolition of any building or structure in the Town.
- (2) Barricade Required.** A snow fence or other approved barricade shall be provided around the site as soon as any portion of the building or structure is removed and shall remain during razing operations.
- (3) Service Connections.** Before a building or structure may be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, gas, sewer and other connections. All service connections and appurtenant equipment, such as meters and regulators, shall be removed or sealed and plugged in a safe manner. All public utilities shall be terminated at the right of way, curb line, property line or at a location acceptable to the serving Utility and the Building Inspector.
- (4) Restoration of Site.** Whenever a building or structure is razed or demolished hereunder, all debris and materials resulting from such demolition shall be removed from the premises, all basements and other excavations and depressions revealed or caused by such demolition shall be filled in, using soils, sand, rock, etc. similar to the surrounding area, to the general grade of the premises, and all surfacing on such premises shall be removed unless intended to be used in connection with the proposed use of the premises. All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises. All resulting vacant areas shall be seeded or planted as required by the Building Inspector.

15.15 APPEALS

- (1) Appealable Matters.** Any person aggrieved by an order, ruling or decision of the Building Inspector has a right of administrative appeal to the Town Board of Adjustment.
- (2) Procedure.** The procedure for administrative appeals under this code shall follow the provisions of the Town of Union Zoning Code section 17.21 (5), which are incorporated and adopted herein by reference. Such appeals shall be filed with the Town Clerk within 60 days of receiving an order, ruling or decision from the Building Inspector.

15.16 VIOLATIONS AND PENALTIES

- (1) Unlawful Acts.** No person, firm or corporation shall in the Town erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by this code, or cause, permit or suffer the same to be done, in conflict with or in violation of any of the provisions of this Code or fail to timely comply with any lawful order issued hereunder.

(2) Notice of Violation and Order.

- (a) The Building Inspector shall serve a written notice of violation, noncompliance and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this Code. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. A stop work order may be served on the owner or the owners' representative and a copy thereof posted at the construction site, such stop work order shall not be removed except by the Building Inspector after satisfactory evidence has been provided that the cited violation(s) has been corrected. Any person removing the stop work order from the construction site shall be in violation of this Ordinance.
- (b) The Building Inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with section 15.07 (6) of this code.
- (c) After written notification of the violation, the violation shall be corrected within the time, not to exceed 30 days, given by the Building Inspector. Extensions may be granted, in extraordinary circumstances where such violations have been substantially repaired, by the Building Inspector, but not to exceed an additional 30 days.
- (d) Each day a violation continues shall constitute a separate offense of each violation cited by the Building Inspector.

(3) Prosecution. If a notice of violation and order is not complied with promptly, the Building Inspector may request the Town Attorney to institute the appropriate proceeding at law or in equity to correct or abate such violation or require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the notice or order made pursuant thereto. In any court action or legal proceeding, 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.

(4) Injunctions and Restraining Orders. As a substitute for, or in addition to, forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this code by court actions seeking an injunction or restraining order against the person responsible for the violation for the purpose of ordering that person to do one or more, of the following:

- (a) Restrain, correct or remove the violation or refrain from any further execution of work.
- (b) Restrain or correct the erection, installation or alteration of such building or structure.
- (c) Require the removal of work in violation of the provisions of this code.
- (d) Prevent the occupation or use of the building or structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

(5) Penalty. Any person who fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture of not less than \$100.00, nor more than \$500.00 per violation, plus the costs of prosecution. In default of payment of such forfeiture and costs where no showing of indigency is made, such person shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day a violation continues shall constitute a separate offense of each violation cited by the Building Inspector.

15.17 EFFECTIVE DATE

This code is effective upon publication or posting. The Town Clerk shall properly post or publish this ordinance as required under §60.80, Wis. stats.

Adopted this 4th day of March, 2010 by the Town Board of the Town of Union, Rock County, Wisconsin.

[Signature of Town Chairman]

Kendall Schneider
Date
Town Board Chairman

Posted this _____ day of _____, 20 ____.

Published this _____ day of _____, 20 ____.

[Signature of Town Clerk]

Regina Ylvisaker
Town Clerk