

CHAPTER 14
BUILDING CODE

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PL 10/8/91 REV 6/10/97
REV 05/11/99 REV 10/23/2003
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14.01 INTRODUCTION. The Village of Plain adopted this ordinance pursuant to authority granted by Wisconsin State Statute 101.65.

No building or structure shall be erected, altered, repaired or moved within the Village until a permit shall have first been obtained from the Village Clerk. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving. **See fee schedule.**

14.02 DEFINITIONS. For the purpose of this chapter, certain words and terms are defined in Chapter 17.

14.03 ONE AND TWO FAMILY RESIDENTIAL DWELLINGS.

(1) **SCOPE.** This ordinance shall apply to all new one and two family dwellings and to all additions and alterations to such buildings built after June 1, 1980. Plans and inspection will cover topics of construction, heating, ventilating, electrical and plumbing.

(2) **STATE UNIFORM DWELLING CODE (UDC) ADOPTED.** Wisconsin Administrative Code Chapters ILHR 20 through 25, (whose effective date is June 1, 1980, except for Chapter 22 which was adopted December 1, 1978) are hereby adopted and by reference, made a part of this ordinance. Any future amendments and revisions to the UDC are also made a part of this ordinance in the interest of statewide uniformity. A copy of the UDC shall be kept on file in the Municipal Office.

(3) **METHOD OF ENFORCEMENT.** This ordinance will be enforced by using the person or agency designated by the Village Board as Building Inspector. Refer to Chapter 1 of Village Ordinances for appointment and term of building inspector.

(4) **BUILDING PERMIT REQUIRED.** No construction within the scope of this ordinance shall take place unless a building permit is first obtained for that work. **See fee schedule.** The Building Inspector with approval of the Village Board will issue the building permit to the owner or their authorized agent.

(a) **Application Forms to be Used.** Building inspector shall use forms prescribed by DILHR and file a copy of each form with DILHR per s.s. 101.65(3).

(b) **Submission of Plans.** With such application, there shall be submitted a complete set of plans drawn to scale and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plans for buildings required to comply with State Building Code shall bear a stamp of approval from DILHR.

(c) **Issuance of Permit.** If the Building Inspector determines that the building plans comply with local ordinances, he will recommend issuance of a permit to the Village Board. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit shall be posted in a conspicuous place at the building site.

(d) **Occupancy Permit.** The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit only when all work has been completed in accordance with this Chapter 14, Building Code and the Wisconsin State 1 and 2 Family Dwelling code.

(e) **Permit Lapse.** The building permit shall expire one (1) year after issuance if the dwelling exterior has not been completed.

(f) **Driveway Approaches.** All curb cuts must be sawed or removed at existing joints. Driveway approach shall conform to the general outlines supplied with building permit. All driveways and approaches shall be paved within one (1) year of permit issuance.

(g) **Curb and Gutter.** All curb cuts must be sawed or removed at existing joints. All new curb and gutter shall conform to the general outlines supplied with the building permit. Free hand cutting of the back of the curb to create either a drive or walkway section is prohibited. Failure to fully comply will result in the complete removal and replacement of the affected curb & gutter sections at the property owner's expense. Truck mounted curb cutting machines will be allowed if they are approved by the building inspector. This approval must be obtained prior to the commencement of any work.

14.04 MULTIFAMILY, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL OR PUBLIC BUILDINGS.

SECTION 1 - Permit Required

No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.

- 1) The Commercial construction which shall require a building permit includes, but is not limited to:
 - a) Commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
 - b) Additions 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) Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit.
 - e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
 - f) Any HVAC for new construction or remodeling.
 - g) Any plumbing for new construction or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.

SECTION 2 - Adoption of State Codes

- 1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

SECTION 3 - Certified Municipality Status

- 1) Certified Municipality. The Village has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - a) Responsibilities. The Village shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
 - b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.

4. An alteration of a space involving less than 100,000 cubic feet of total volume.
 5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 6. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application
 2. Application for review - SBD-118
 - a. Fees per Table SPS 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. Four sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

SECTION 4 - Building-HVAC-Electrical-Plumbing Inspector

- 1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- 2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.

SECTION 5 - Violations and Penalties

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

14.05 SATELLITE T.V. DISHES. No Satellite T.V. Dish greater than twenty-four (24) inches in diameter shall be erected or placed on any property or building within the Village. Satellite dishes 24 inches in diameter and smaller do not require a permit, but are subject to the requirements of this ordinance.

(1) LOCATION OF SATELLITE T.V. DISH. Any Satellite T.V. Dish approved for placement within the Village may be located only in the rear yard of a residential lot or on a building and must be at least ten (10) feet from any lot line. The Dish shall be placed as close to the residence as is reasonably possible and when attached to the building shall not be located on the front building line or front roof plane.

(2) CONNECTION OF WIRING. All electrical lines, cables and conduits running to or from any Satellite T.V. Dish shall be buried when the dish is ground mounted. If a T.V. Satellite Dish is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried.

(3) WIND PRESSURE. Each Satellite T.V. Dish shall be securely anchored to withstand at least 80 m.p.h. wind loading and associated anticipated uplift.

(4) TEMPORARY PLACEMENT. A Satellite T.V. Dish may be placed in a rear yard on a trial basis for a period not exceeding ten (10) days.

PL 11/14/95 REV 6/10/97
REV 05/11/99

14.06 REGULATIONS FOR SHEDS AND OUTBUILDINGS.

(1) APPLICATION. No shed or outbuilding, which exceeds 144 square feet in size or 12 feet in height, shall be erected, altered or placed upon any lot within the Village.

(2) LOCATION. It is recommended that the structure be physically attached to the house or house/garage. If the structure is not physically attached, then it shall be placed so that there shall be no more than twenty (20) feet of space and no less than ten (10) feet of space between the structure and the house or house/garage; and further, it must be placed either to the side or to the rear of the house or house/garage. The placement of all such structures shall be on a level surface. Reference shall be made to Section 17 of the Municipal Ordinances for rear setback requirements.

(3) RESTRICTED USE. Such structure may only be used for storage purposes, a children's playhouse or other recreational purposes. Such structure shall not be used for any business purpose, the housing of animals, a smoke house (or similar use) or for storage of automobiles and trucks.

(4) LIMITED NUMBER. No more than one outbuilding or shed type structure shall be allowed per lot and such structure may only be erected or placed upon a lot if a residence already is in place on said lot.

(5) CONSTRUCTION MATERIALS. The construction materials used in such a structure shall be as follows:

(a) A structural framework shall be of wood or masonry. Facing material shall be of wood (stained, painted or pre-finished), beveled or lapped siding (aluminum, steel or vinyl), face brick or face stone. If the facing material is wood or is a beveled or lapped siding, the same shall be of such exterior quality that is normally used for the construction of residential property. Exterior decor/color shall be compatible with the residence upon the lot where the same is constructed.

(b) Such structure shall have a floor of either wood or concrete construction. Any exterior open areas around the perimeter or the structure at or below the floor level shall be completely closed off with a solid material such as wood or earth so as to completely prevent the entry of animals, rodents or reptiles below the structure.

(c) No structure shall be erected or placed upon any lot which is of metal building construction; nor shall such structure have metal exterior sidewalls or a metal roof.

(6) VARIANCE. For variances, refer to Section 14.15.

PL 10/9/84 REV 5/11/99

14.07 REGULATIONS FOR THE CONSTRUCTION OF DETACHED GARAGES.

(1) **DUPLICATION.** No detached garage will be permitted for a residence which already has storage for two (2) vehicles.

(2) **SIZE LIMITATION.** A detached garage constructed on a fifty (50) foot wide lot or less shall not exceed 720 square feet in area. A detached garage constructed on a lot over fifty (50) feet wide shall not exceed 840 square feet in area. A detached garage shall not exceed sixteen (16) feet in height to the peak of the roof.

(3) **SETBACK REQUIREMENTS.** Detached garages must meet existing front, rear and side setback requirements, as currently provided in Chapter 17 of the Municipal Ordinance.

(4) **CONSTRUCTION.** The detached garage must meet all construction, structural, and framing standards in accordance with the Wisconsin 1 and 2 Family Dwelling code and this Chapter 14.

(a) The structural framework shall be of wood or masonry. Facing material shall be of wood (stained, painted or pre-finished), beveled or lapped siding (aluminum, steel or vinyl), face brick or face stone. If the facing material is wood or is a beveled or lapped siding, the same shall be of such exterior equality to that which is normally used for the construction of residential property. Exterior decor/color shall be compatible with the residence upon the lot where the same is constructed.

(b) No detached garage shall be of metal building construction nor shall any detached garage have metal exterior sidewalls or roof.

(c) No garage can be erected on a vacant lot.

(d) Garage doors shall not extend out from the building when the doors are in the open position.

(e) The roof overhang shall be enclosed to discourage the presence of birds/bats.

(5) **VARIANCES.** For variances, see Section 14.15.

PL 5/14/91 REV 05/11/99

BUILDING CODE 14.08

14.08 REGULATIONS FOR FENCES.

(1) APPLICATION. No fence shall be erected on any property in the Village without first obtaining a building permit under Section 14.03.

(2) LOCATION. No fence shall be erected in the front yard of any residence unless it is a decorative fence constructed of wood. Front yard fences may not exceed ten (10) feet in length in any direction.

(3) HEIGHT. No fence shall be erected to exceed six (6) feet in height in any residential zoning district or any zoning district where the existing use is residential.

REV 10/11/2000

(4) MATERIALS. No fence in a residential area may be constructed of woven wire, barbed wire, or razor wire of any kind. A chain link fence may be used in residential areas if the gauge of the wire is not less than 11-1/2 and does not exceed 9. All other fences shall be constructed of standard fencing materials.

REV 10/11/2000

(5) COMMERCIAL AND INDUSTRIAL YARD FENCES. It is recognized that a wide variation in requirements may be necessary for commercial and industrial yard fences. Each conditional use permit request for a commercial or industrial yard fence shall be submitted to the Village Board with a plan view layout of the proposed fence, proposed fence height, fence materials, and adjoining property zoning districts and current uses.

(6) VARIANCES. For variances, refer to Section 14.15.

PL 10/9/84 REV 6/10/97
REV 05/11/99

14.09 CONSTRUCTION SITE EROSION CONTROL.

(1) PURPOSE. The purpose of construction site erosion control management is to prevent degrading of adjacent property, lakes, streams and wetlands due to sediment and other pollutants eroding from construction sites.

(2) REQUIRED EROSION CONTROL METHODS. Varying degrees of erosion control are required depending upon slope of site. Erosion control methods outlined in "Wisconsin Construction Site Best Management Practice Handbook", Wisconsin DNR-1991 should be utilized as applicable to the site.

(3) SEQUENCE OF EROSION CONTROL INSTALLATION.

(a) All erosion control measures for diversions or outlets shall be constructed and stabilized prior to any grading or disturbance of the site down slope.

(b) Filter fabric and straw bale fences and barriers shall be installed prior to disturbing the site.

(c) Seeding, sodding, mulching or other equivalent practices shall be applied within seven (7) days of the end of active disturbance of the soil surface.

(d) Other erosion control measures shall be in place prior to disturbance of the construction site, as applicable.

BUILDING CODE 14.09(4)

(4) MAINTENANCE. All erosion control measures shall be inspected within twenty-four (24) hours after each rainfall or daily during periods of prolonged rainfall until the vegetative cover is

established. Repairs shall be made immediately.

(5) STREETS, ALLEYS, DRIVES. All eroded or spilled soils or other debris shall be swept from paved streets, alleys, etc. daily.

(6) RESPONSIBILITY. The property owner is responsible for construction site erosion control.

PL 1/14/92 REV 05/11/99

14.10 UNSAFE BUILDINGS. If a building is so old, dilapidated and so out of repair as to be dangerous, unsafe and unsanitary or otherwise unfit for its intended use and so that it would be un-reasonable to repair, the Building Committee/Inspector shall order the owner to raze or remove the building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by Wisconsin State Statute 66.05.

REV 6/10/97 REV 05/11/99

14.11 MOBILE HOMES. No mobile (trailer) homes shall be located within the Village of Plain.

PL 10/23/2003

14.12 OUTDOOR FURNACES.

- (1) No solid or liquid fuel heating device shall be constructed, installed or operated within the Village of Plain. An outdoor solid or liquid fuel heating device is a device located outside a single or multi-family residence or garage, and designed for the combustion of solid or liquid fuels such as wood, coal or oil, in order that usable heat is derived for the warming of any structure.
- (2) Any person violating this ordinance shall first be required to remove the solid or liquid fuel heating device from the property within thirty (30) days, and also be subject to a forfeiture of not less than \$1,000.00 or more than \$5,000.00, together with applicable costs and assessments.

PL 10/23/2003

14.13 ELECTRICAL CODE.

- (1) Electrical work performed in new construction, remodeling or alteration of one or two family dwellings shall be permitted and inspected per SPS Ch. 316 and the Uniform Dwelling Code. (See the Fee Schedule)
- (2) Electrical work performed in commercial applications as defined by SPS Ch. 316 shall be permitted and inspected. (See the Fee Schedule)
- (3) Failure to comply with permitting, inspections and code compliance will result in assessed fines. (See the Fine Schedule)

PL 12/12/2018

14.15 BUILDING PERMIT APPEAL PROCEDURE(Variances). When the Building Inspector or the Village Board determines that a petition for a building permit is not in compliance with the Village Ordinances and the petitioner has not changed his request to be in compliance, the petitioner or applicant

may then request the Village Clerk to schedule a public hearing to consider an exception to Section 14 Ordinances. Such request shall be submitted in writing.

- (1) PUBLIC HEARING. The public hearing shall be held before the Village Board.
 - (a) Public notice must first be given by publication as a Class 1 Notice in the "Home News" and further by posting such notice in three public locations within the Village. Written notice shall also be given to all homeowners within 150 feet of the property for which the exception is requested. All such notices must be accomplished at least ten (10) days prior to the date of the public hearing.
 - (b) Written statements concerning the requested variance may be accepted prior to the hearing by the Village Clerk. Written comments may also be submitted at the public hearing as well as oral statements. No decision shall be made at the time of the public hearing.

BUILDING CODE 14.15

- (2) DECISION. The Village Board shall consider all statements, whether oral or written, given prior to the public hearing or at the time of the public hearing in arriving at its decision. A final decision must be made by the Board in writing and announced at the next regular meeting or at a special meeting prior to the next regular meeting.
The decision shall specify in what manner such variation or modification is made and the reasons therefore. A decision granting a variance can only be made upon a two-thirds majority of the Village Board as constituted, and by also obtaining in writing consent from the abutting property owners to such property.

14.16 PENALTY. Any person who shall violate any provision of this Chapter, or any regulations, rule or order made hereunder, shall be subject to a penalty. **See fine schedule.**

PL 11/13/84 REV 05/11/99

14.17 BUILDING PERMIT FEES. No permit shall be issued by the Building Inspector until fees hereinafter prescribed have been paid. Each permit shall show the Owner's name, the location of the premises, the operations involved, and a receipt for the total amount paid. The fees to be paid for permits shall be as follows:

- (1) BUILDING PERMITS. The fee for a building permit for new buildings, alterations or additions for residential and commercial construction shall be set forth in a Permit Fee Schedule on file with the Village Clerk's office after approval by the Village Board by Resolution.
- (2) REISSUANCE OF PERMIT OR EXTRA INSPECTIONS. The fee for the re-issuance of a permit and/or for additional inspections required because of failure of the applicant to meet the permit conditions shall be set forth in a Permit Fee Schedule on file with the Village Clerk's office after approval by the Village Board by Resolution.
- (3) DOUBLE FEES. The above permit fees shall be double when construction is commenced before a permit is issued.
- (4) FEE DETERMINATION. In determining fee costs, all construction shall be included, with the exception of heating, air conditioning, electrical, or plumbing work.
- (5) PENALTY. Penalty for starting work prior to issuance of a fully approved building permit shall be double the normal fees for such work in addition to any other penalties provided elsewhere.
- (6) ENFORCEMENT. Whenever the Building Inspector determines that any construction of a building or structure is occurring without the prior issuance of a building permit or contrary to the terms of a building permit previously issued, the Building Inspector shall order the work stopped

by written notice served on any person engaged in doing such work or causing such work to be done.

Such person shall immediately stop such work until authorized by the Building Inspector to proceed with the work. 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 Ordinance. No permit presuming to give authority to violate, or to fail to comply with provisions of this Ordinance shall be valid except insofar as the work or use which it authorizes is lawful.

BUILDING CODE 14.17 (6)

If, subsequent to the issuance of a permit, errors shall be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in said application, plans, specifications or construction and may rescind the building permit and prevent further building operations in violation of this ordinance or any other laws or Ordinances applicable thereto.

PL 10/8/91 REV 6/10/97
REV 05/11/99