

Ordinance No. 2019-01

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 9
OF THE MUNICIPAL CODE**

WHEREAS, the Village of Board of the Village of Rockdale has determined that it is appropriate to update and replace the existing Building Code Ordinance; and

WHEREAS, the Village Board of the Village of Rockdale wishes to exercise the authority provided for in Wisconsin Administrative Code Section SPS 316.011 to inspect electrical wiring installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks or wharves and recreational vehicle parks.

NOW, THEREFORE, the Village Board of the Village of Rockdale, Dane County, Wisconsin, DO ORDAIN as follows:

**CHAPTER 9 OF THE CODE OF ORDINANCES SHALL BE REPEALED AND
RECREATED TO READ AS FOLLOWS:**

CHAPTER 9

BUILDING CODE

9.01 AUTHORITY.

These regulations are adopted under the authority granted by ss. 101.65 and 101.86(1), Wisconsin Statutes.

9.02 PURPOSE.

The purpose of this Building Code is to promote the health, safety and welfare of our municipality and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code, Wisconsin Commercial Building Code, and the Wisconsin Electrical Code.

9.03 SCOPE.

This Building Code applies to all new construction, all current dwellings, commercial buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures, dog kennels, and lawn sheds if less than 120 square feet in area.

- (A) Notwithstanding ss. SPS 320-325, the scope includes the construction and inspection of alterations and additions to one and two family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the Village Board. Petitions for variance shall be decided per ss. SPS 320.19 (Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the Village Board approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.
- (B) Notwithstanding ss. SPS 320.05, the scope includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating and electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in subpart (A).
- (C) The scope also includes the inspection of electrical wiring installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks, or wharves and recreational vehicle parks. Petitions for variance and appeals shall be handled as provided in ss. SPS 316.
- (D) The scope also includes the construction and inspection of commercial buildings. Appeals shall be handled as provided in subpart (A). Petitions for variance shall be handled as provided in ss. SPS 303.

9.04 ADOPTION OF CODES.

The following Wisconsin Administrative Codes and any future amendments, revisions, and modifications of said Codes are adopted and incorporated herein in their entirety, are intended to be a part of this Ordinance, and are adopted for municipal enforcement:

SPS 316	Wisconsin Electrical Code
SPS 320-325	Wisconsin Uniform Dwelling Code
SPS 323 & 364	Heating, Ventilating and Air-Condition Code
SPS 328	Smoke Detectors
SPS 361-366	Wisconsin Commercial Building Code
SPS 366	Existing Building Code
SPS 366.1201 & 366.1204	Historic Building Code
SPS 375-379	Buildings Constructed Prior to 1914
SPS 380-387	Uniform Plumbing Code

9.05 BUILDING INSPECTOR.

The Village Building Inspector shall administer and enforce this Ordinance. The Building Inspector may appoint, as necessary, subordinate inspectors or assistant inspectors. The Building Inspector, subordinate inspectors, and assistant inspectors shall be certified by the Division of Safety and Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector and Commercial Building Inspector and shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

The Building Inspector shall keep a record of all applications for building permits and shall number each permit in the order of its issuance.

The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.

9.06 BUILDING PERMITS AND INSPECTIONS.

- (A) Permit required. No building of any kind shall be moved within or into the Village of Rockdale and no new building or structure or any part thereof shall be erected or ground broken for such or enlarged, altered, moved, demolished, razed or used within the Village of Rockdale except as provided in this article, until a permit shall first have been obtained by the owner or the owner's authorized agent from the Building Inspector.
- (B) A permit is required for additions that increase the physical dimensions of a building including decks.
- (C) A permit is required for alterations to the building structure costing over \$500.00, including, market labor value, or alterations to the building's heating, electrical or plumbing systems.
- (D) A permit is required for replacement of major building equipment including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered.
- (E) Alterations and repairs. The following shall apply to buildings altered or repaired:
 - (1) Alterations. When not in conflict with any regulations, alterations to any existing building or structure

accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, rooms, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, decks, or any or all of such, the existing construction shall be made to conform to the minimum requirements of this article applicable to such occupancy and use and given type of construction.

- (2) Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the building or structure shall be permitted without compliance with this article.

- (F) Application for permit. 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 address of the designer, the use to which such building is to be put and such other information as the Building Inspector may require.

Two sets of building plans shall be submitted to the Building Inspector for any work valued over \$5,000.00, any work which expands the size of a building, any new building or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted.

A signed Agreement for Reimbursable Services shall be filed with application for permit.

- (G) Waiver of plans; permit not required.

- (1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, the Building Inspector may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$5,000.00.

- (2) The construction of children's play structures, dog kennels, and lawn sheds if less than 120 square feet in area shall not require a building permit.
 - (3) Repairs for purposes of maintenance or replacement in any existing building or structure which do not involve the structural portion of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways for exists, fire protection shall not require a building permit.
 - (4) Any improvement or alteration to an existing building or other structure with materials and labor which will be at a cost of \$500 or less, as determined by the Building Inspector, which do not entail a structural change or change fire protection, exits, lighting, electrical or ventilation of the building or structure shall not require a building permit.
 - (5) Residing, re-roofing, and finishing of interior surfaces, installation of cabinetry, and minor repairs as deemed by the Building Inspector shall not require a building permit. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.
- (H) Approval of plans.
- (1) If the Building Inspector determines that the building will comply in every respect with all Village of Rockdale Ordinances and orders and all applicable state laws and orders, the Building Inspector shall issue a building permit which shall state the use to which the 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 Village of Rockdale Ordinances or state laws or orders or which involves the safety of the building or the occupants, without written consent of the Building Inspector.
 - (2) If adequate plans are presented for part of the building only, a permit for that part of the building may be issued at the discretion of the Building Inspector before receiving the plans and specifications for the entire building.
- (I) Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.

(J) Revocation of permits.

- (1) The building, plumbing, electrical or heating, ventilating and air conditioning (HVAC) inspector may revoke any building, plumbing, heating, ventilating and air conditioning or electrical permit, certificate of occupancy, or approval issued under this article and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (a) The inspector finds at any time that applicable ordinances, laws, or orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning has been issued to the holder of the permit.
 - (b) The continuance of any construction becomes dangerous to life or property.
 - (c) There is any violation of any condition or provisions of the application for the permit or of the permit.
 - (d) In the opinion of the Inspector, there is inadequate supervision provided on the job site.
 - (e) Any false statement or misrepresentation has been made in the application for the permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) There is a violation of any of the conditions of an approval or occupancy given by the Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon any of the following: the applicant of the permit, upon the owner of the premises and the owner's agent, if any, and upon the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Inspector.
- (4) After the notice is served upon such persons and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the

permit which has been revoked shall be null and void. Before any construction or operation is again resumed, a new permit, as required by this article, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with this article. However, such work as the Inspector may order as a condition precedent to the reissuance of the building permit may be performed or such work as the Inspector may require for the preservation of life and safety shall be performed.

- (K) Report of violations. Village of Rockdale officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this article.
- (L) Display of permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

9.07 OCCUPANCY PERMIT.

If no non-compliances are found by the Building Inspector, then the Building Inspector shall issue an occupancy permit. If minor non-compliances, other than health or safety items are in existence, the inspector may issue a temporary occupancy permit for a specified term. Occupancy may not be taken until an occupancy permit is issued.

9.08 EXTERIOR FINISH REQUIRED.

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

9.09 MAINTENANCE OF BUILDINGS.

All buildings shall be maintained so that they do not lose value or become non-complying with applicable codes.

9.10 FEES.

- (A) Building Permit Fees. The building permit fees shall be established periodically by the Village Board and shall include the cost of the state seal which is assigned to any new dwelling by the Wisconsin Department of Commerce as well as the fees for the Village and the inspection agency. If work commences prior to permit issuances, double fees may be charged by the Building Inspector.

- (B) Other Fees. In addition, the applicant shall be responsible for any fees and expenses incurred by the Village in connection with such project as provided in Section 2.10, Payment of Professional Fees, of the Municipal Code and any future amendments, revisions, and modifications of said Code are adopted and incorporated herein in its entirety, are intended to be a part of this Ordinance.

9.11 VIOLATIONS AND PENALTIES.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Except as otherwise provided, any person found to be in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the general penalties section of this Municipal Code.

9.12 LIABILITY FOR DAMAGES.

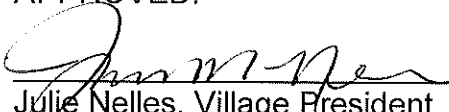
This ordinance shall not be construed as an assumption of liability by the municipality for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

The Village Board DO FURTHER ORDAIN that this Ordinance shall be effective following its adoption, posting and/or publication.

Dated this 21st day of January, 2019.

Chapter 9 was duly adopted at a regular meeting of the Village Board of the Village of Rockdale held on the 21st day of January, 2019, by a vote of 5 ayes, 0 nays, 0 not voting (absent).

APPROVED:


Julie Nelles, Village President

ATTEST:


Linda L. Dieckhoff, Village Clerk-Treasurer

Posted: January 23, 2019

Passed: January 21, 2019