

**Chapter 223**

**BUILDING CONSTRUCTION**

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| § 223-1. Building Code established.           | § 223-5. Construction standards; codes adopted. |
| § 223-2. Building permits and inspection.     | § 223-6. New methods and materials.             |
| § 223-3. State Uniform Dwelling Code adopted. | § 223-7. Unsafe buildings.                      |
| § 223-4. Severability.                        | § 223-8. Fees.                                  |
|   | § 223-9. Violations and penalties.              |

**[HISTORY: Adopted by the Village Board of the Village of Tigerton 4-5-1988 as Title 10, Ch. 4, of the 1988 Code. Amendments noted where applicable.]**

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**§ 223-1. Building Code established.**

- A. Title. This chapter shall be known as the "Building Code of the Village of Tigerton" and will be referred to in this chapter as "this code" or "this chapter."
- B. Purpose. This chapter 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.
- C. General permit required. No building, plumbing or electrical work, building moving or razing shall be performed in the Village of Tigerton unless a permit therefor is obtained as required in the provisions of this chapter.
- D. Payment of fees. All fees shall be paid to the Village Clerk, and no permit shall be issued until fees as prescribed by this chapter have been paid.
- E. Permit lapses. A building, electrical or plumbing permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance thereof. Permit shall also lapse if work is discontinued for a period of six months or more and a new permit will have to be obtained before work can be started again.
- F. Revocation. If the Village officials find at any time that the above-mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refuses to conform after written warning or instruction has been issued to him, they 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, excepting such work as the Building Inspector may order to be done as a condition precedent to the issuance of the permit, or as he may require for the preservation of human life and safety or property.

- G. Report of violations. It shall be the duty of all police officers as well as other Village officials to report at once to the Building Inspector any building, electrical or plumbing work or sign erection which is being carried on without a permit as required by this chapter.

**§ 223-2. Building permits and inspection.**

- A. Permit required. No building of any part thereof shall hereafter be erected within the Village of Tigerton or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Village Clerk by the owner, or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, sign, building moving, building razing, or anything affecting the fire hazards or safety of any building or structure.
- B. Application. Application for a building permit shall be made in writing upon a form furnished by the Village Clerk 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 said building is to be put, and such other information as the Village Clerk may require.
- C. Dedicated street required. No building permit for a residential structure shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.
- D. Utilities required.
- (1) Residential buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hookup is presented to the Village Clerk.
  - (2) Nonresidential building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- E. Plans. With such application there shall be submitted two complete sets 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. One plan shall be submitted which shall remain on file in the office of the Village Clerk. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of § SPS 320.09(5), Wis. Adm. Code.

- F. Waiver of plans. If the Village Clerk 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, provided the cost of such work does not exceed \$2,000.
- G. Issuance of permit. If the Village Clerk finds that the proposed building or repair or addition complies with all zoning ordinances and setback requirements, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Village Clerk. The building permit issued by the Village does not provide for any inspections by a certified inspector under the One- and Two-Family Building Dwelling Code.
- H. Minor repairs. The Village Clerk may authorize minor repairs or alterations valued at less than \$500 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.

**§ 223-3. State Uniform Dwelling Code adopted.**

- A. State Code adopted. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters SPS 320 through SPS 325 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in the Village of Tigerton.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The Department of Industry, Labor and Human Relations.

DWELLING —

- (1) Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or two dwelling units, or
- (2) An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

MINOR REPAIR — Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or

exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

**ONE- OR TWO-FAMILY DWELLING** — A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

**PERSON** — An individual, partnership, firm or corporation.

**UNIFORM DWELLING CODE** — Those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:

Chapter SPS 320, Administration and Enforcement

Chapter SPS 321, Construction Standards

Chapter SPS 322, Energy Conservation

Chapter SPS 323, Heating, Ventilating and Air Conditioning

Chapter SPS 324, Electrical Standards

Chapter SPS 325, Plumbing

C. Method of enforcement.

- (1) Certified inspector not provided. The Village of Tigerton, as a municipality under 2,500 in population, shall not contract with or provide a Village Clerk certified by the Department of Industry, Labor and Human Relations in each category specified under Sec. 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing for the purpose of enforcing the provisions of the One- and Two-Family Uniform Dwelling Code adopted in this chapter. However, private individuals may, at their own expense, contract with a certified Village Clerk through DIHLR for inspection services.
- (2) Inspection powers. The Village Clerk 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 Village Clerk or his/her agent while in performance of his/her duties.

**§ 223-4. Severability.**

If any section, clause, provision or portion of this chapter or of Chapters SPS 320, 321, 322, 323, 324 and 325, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**§ 223-5. Construction standards; codes adopted.**

- A. Portions of State Building Code adopted. Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. Sections ILHR 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made a part of this section with respect to all dwellings hereafter erected within the Village of Tigerton.
- B. Dwellings. The term "dwelling" as used in this section includes every building occupied exclusively as a residence by not more than two families.

**§ 223-6. New methods and materials.**

- A. All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code issued by the State Board of Health.
- B. 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 data, 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.

**§ 223-7. Unsafe buildings.**

Whenever the Village Board find any building or part thereof within the Village to be in its judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonable to repair the same, it shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413, Wis. Stats.

**§ 223-8. Fees.**

- A. No building shall be erected, structurally altered or remodeled unless permit fees are paid. Such fees shall be established by resolution of the Village Board.
- B. Double fees. In the event work is commenced prior to a permit being obtained, all fees shall be doubled.

**§ 223-9. Violations and penalties.**

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Village Clerk shall promptly report all such violations to the Village Board, which 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 § 1-4 of the Code of the Village of Tigerton. 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 Village Clerk 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.