

# Sub-Chapter A To Chapter 14, Building Code

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## UNIFORM DWELLING CODE

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## 14.20 General Provisions

- (1) Authority – These regulations are adopted pursuant to statutory authority, including, but not limited to, Wis. Stat. § § 101.60 through 101.66 and 101.70 through 101.77.
- (2) Title – This ordinance shall be known as the Uniform Dwelling Code or UDC.
- (3) Purpose – The purpose and intent of this ordinance is to:
  - (a) Exercise jurisdiction over the construction and inspection of all new one- and two-family dwellings, manufactured buildings for dwellings, and newly constructed community-based residential facilities providing care, treatment and services for three to eight unrelated adults, as well as additions or alterations to existing dwellings covered by this code;
  - (b) Provide plan review and on-site inspections for dwellings covered by this code by inspectors certified by the Department of Commerce;
  - (c) Establish and collect fees to defray administrative and enforcement costs;
  - (d) Establish remedies and penalties for violations; and
  - (e) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Commerce.
  - (f) Exercise limited jurisdiction over the construction and inspection of multi-family dwellings containing three (3) or more dwelling units, except as otherwise provided by this code, commercial and industrial buildings after receipt of State approved building construction plans.

## 14.21 State Uniform Dwelling Code Adopted

The Wisconsin Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings, manufactured buildings for dwellings and newly constructed community-based residential facilities providing care, treatment and services for three to eight unrelated adults, as well as additions to existing dwellings covered by this code in Chapters Comm 20-25 of the Wisconsin Administrative Code, Department of Commerce, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. The effective date of Chapter Comm 22 is December 1, 1978. The effective date of Chapters Comm 20, 21, 23, 24, and 25 is June 1, 1980. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this ordinance to insure uniform statewide regulation of one- and two-family dwellings, manufactured buildings for dwellings, and newly constructed community-based residential facilities providing care, treatment and services for three to eight unrelated adults, as well as additions or alterations to existing dwellings covered by this code, in the City of Sheboygan Falls. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Office of the Director of Administrative Services/Clerk/Treasurer of the City of Sheboygan Falls.

## 14.22 Definitions

- (1) Addition – "Addition" means new construction performed on a dwelling, which increases the outside dimensions of the dwelling.
- (2) Alteration – "Alteration" means an enhancement, upgrading, or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a dwelling.
- (3) Department – "Department" means the Department of Commerce.
- (4) Dwelling – "Dwelling" means any building, the initial construction of which is commenced on or after the effective date of this ordinance, which contains one or two dwelling units; or
- (5) Dwelling Unit – "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.
- (6) Manufacture – "Manufacture" means the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, semi-finished, or finished materials.
- (7) Manufactured Dwelling –
  - (a) "Manufactured dwelling" means any structure or component thereof which is intended for use as a dwelling; and
    1. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site, or
    2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.
  - (b) The term "manufactured dwelling" does not include a building of open construction which is not subject to paragraph (a) 2. A single- or double-width manufactured (mobile) home is not considered a manufactured dwelling and is not subject to this code.
- (8) Owner – "Owner" means any person having a legal or equitable interest in the dwelling.
- (9) Person – "Person" means an individual, partnership, firm, or corporation.
- (10) Uniform Dwelling Code – "Uniform Dwelling Code" means those provisions, and any future amendments, revisions, or modifications thereto, contained in the following Chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter Comm 20 - Administration and Enforcement

Wis. Adm. Code Chapter Comm 21 - Construction Standards

Wis. Adm. Code Chapter Comm 22 - Energy Conservation

Wis. Adm. Code Chapter Comm 23 - Heating, Ventilating, and Air Conditioning

Wis. Adm. Code Chapter Comm 24 - Electrical Standards

Wis. Adm. Code Chapter Comm 25 - Plumbing

### **14.23 Method of Enforcement**

For the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code, the City shall establish the office of Building and Plumbing Inspector which shall be appointed pursuant to the method prescribed in Section 1.02(6) of this Code.

### **14.24 Building and Plumbing Inspector**

- (1) Creation and Appointment – There is hereby created the office of Building and Plumbing Inspector. The Building and Plumbing Inspector shall be appointed by the Mayor subject to confirmation by 2/3 of the Common Council pursuant to Section 1.02(6) of this Code. The Building and Plumbing Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Section Comm 5.63 of the Wisconsin Administrative Code.
- (2) Subordinates – The Building and Plumbing Inspector may appoint as necessary subordinates, which appointments shall be subject to confirmation by the Common Council. Any subordinate hired to inspect buildings shall be certified under Section Comm 5.63 of the Wisconsin Administrative Code.
- (3) Duties – The Building and Plumbing Inspector shall administer and enforce all provisions of the City Building and Plumbing Codes and the Uniform Dwelling Code.
- (4) Powers – The Building and Plumbing 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 and Plumbing Inspector or his/her agent while in the performance of his/her duties.
- (5) Records – The Building and Plumbing Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code.

### **14.25 Building Permits**

- (1) Building Permits Required – No one- or two-family dwelling, manufactured buildings for dwelling, or newly constructed community-based residential facilities providing care, treatment, and services for three to eight unrelated adults, multi-family dwellings containing three or more dwelling units, commercial and industrial, or additions or alterations to existing dwellings and buildings covered by this Code of which initial construction shall be commenced after the effective date of this ordinance, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application furnished by the Department of Commerce.

- (2) Repairs and Additions Requiring Permit – No addition, alteration, or repair to an existing one- or two-family dwelling, manufactured buildings for dwelling, or newly-constructed community-based residential facilities providing care, treatment, and services for three to eight unrelated adults, or additions or alterations to existing dwellings covered by this Code shall be undertaken unless a building permit for this work is first obtained by the owner or his agent from the Building Inspector.
- (3) Submission of Plans – The applicant shall submit two (2) sets of plans for all new dwellings or additions to existing one- and two-family dwellings or manufactured buildings for dwelling and community-based residential facilities providing care, treatment, and services for three to eight unrelated adults as well as additions or alterations to existing dwellings covered by this Code at the time that the building permit application is filed. Also, two (2) copies of a certified survey labeled with top of block elevations and lot corner elevations, building application form, two (2) energy worksheets, and a list of contractors must be furnished to the Building Inspector prior to issuance of a building permit.
- (4) Issuance of Permit – If the Building Inspector finds that the proposed building, repair, or addition complies with all City ordinances and the Uniform Dwelling Code, the Building 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 Building Inspector.
- (5) Work Requiring a Building Permit – A building permit is required for all repair or remodeling work when the project cost, with materials and labor, exceeds \$500.00. When the owner is furnishing repair or remodeling work, the owner's labor shall be calculated to be equal to the cost of materials, and therefore, when materials cost more than \$250.00, a permit is required.
- (6) Occupancy Permit – An occupancy permit is required to be issued by the Building Inspector and Electrical Inspector prior to any person occupying a newly-constructed dwelling. Failure to acquire an occupancy permit prior to occupying a new dwelling will result in a fine of \$100.00 to be paid by the general contractor.
- (7) Site Plan – A site plan is required for improvements made to any property where the on-site flow or storage of water is altered. This site plan must address where storm water run-off will drain as to not allow on-site water to be deposited onto adjacent property. Site plans are required for construction of building additions, garages, sheds, patios, driveways, and utility slabs.
- (8) Erosion Control – Installation of silt fencing is mandatory in all areas with hard surfaces, streets, concrete curb and gutters, and storm sewers. This fencing shall be installed along the inside of the curb line of all areas of excavation or in all excavated areas within ten (10) feet of the inside of the curb line and along temporary driveways. Additional silt fencing may be necessary around areas of stock-piled soil and on lots with slanting topography based on survey. If the front ten (10) feet of the lot from curb line in is plated in established grass and is left undisturbed by excavation, no silt fencing will be needed along the curb line, just possibly on the side lots lines, driveway areas, and around stock-piled soils.
- (9) Temporary Driveway – All temporary driveways for properties fronting on hard-surface streets (concrete or blacktop) must have a two inch (2") to three inch (3") crushed stone

driveway. Road gravel or smaller stone temporary driveways are not allowed and construction will be halted until proper stone is installed. It is the responsibility of the general contractor to maintain silt fencing and temporary driveways throughout construction and to keep the street and curb line in front of a construction site clean and free of dirt and gravel to avoid construction from being halted.

#### 14.26 Fees for Building Permits and Inspections

- (1) Building Permit and Inspection Fees – At the time the application for a building permit is filed, the applicant shall pay the permit and inspection fees indicated in Appendix 14A-1: General Building Permit and Inspection Fee Schedule.
- (2) Street Opening Permits – Street opening permits must be obtained from the Building Inspector prior to removing existing street cover. Fees for street opening permits are based on the type of street removed and to be replaced and are indicated in Appendix 14A-2: Street Opening Permit Fee Schedule.
- (3) Failure to Obtain a Building Permit – Failure to obtain a permit prior to start of any work requiring a building permit results in doubling the permit fee for the first offense. Failure to obtain a permit prior to the start of work requiring a permit for the second offense will result in doubling the permit fee plus a fine of \$100.00. Failure to obtain a permit prior to the start of work requiring a permit for the third offense and all other offenses thereafter will result in doubling the fee plus a fine of \$250.00.

#### 14.27 Violation and Penalties

- (1) No person shall erect, use, occupy, or maintain any one- or two-family dwelling, manufactured buildings for dwelling, or newly-constructed community-based residential facilities providing care, treatment, and services for three to eight unrelated adults, or additions or alterations to existing dwellings covered by this Code in violation of any provision of this ordinance or the Uniform Dwelling Code, or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Dollars (\$200.00) together with the costs of prosecution and, if in default of payment thereof, may be imprisoned for a period of not less than one (1) day nor more than six (6) months or until such forfeiture and costs are paid.
- (2) If an inspection reveals a noncompliance with this ordinance or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner in writing of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Section Comm 20.10(1)(c) of the Wisconsin Administrative Code.
- (3) If, after written notification, the violation(s) is/are not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation(s) has/have been corrected.
- (4) Each day each violation continues after thirty-day (30-) written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the Uniform Dwelling Code.

- (5) If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

#### **14.28 Appeal to Board of Appeals – (Variance to Zoning Codes)**

Any person aggrieved by an order or a determination of the Building Inspector may appeal such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply. All costs associated with appeals to the Board of Appeals shall be paid by the petitioner. A fee of \$25.00 shall be paid to the Board of Appeals for any appeal.

#### **14.29 Plan Commission – (Conditional Use Permits)**

Any person requesting zoning changes, conditional use permits, plat approval, certified survey map approval, or any other land use or subdivision request shall be referred to the City Plan Commission for review and recommendation. An application fee shall be paid for each matter referred to the Plan Commission in order to attempt to offset or reimburse the City for its administrative costs in scheduling and noticing said Plan Commission meetings.

#### **14.30 Liability for Damages**

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

#### **14.31 Severability**

If any section, clause, provision, or portion of this ordinance or of Chapters Comm 20, 21, 22, 23, 24 or 25 of the Wisconsin Administrative Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**Appendix 14A-1<sup>1</sup>**  
**General Building Permit and Inspection Fees**

- A. One-Family and Two-Family Residences–New Construction –
- |    |  |                             |
|----|--|-----------------------------|
| 1. | Plan Examination .....   | \$ 75.00                    |
| 2. | Inspections (including general construction, energy, plumbing, heating, ventilation, and electrical inspection)..... | 175.00                      |
| 3. | State Stamp .....  | 35.00                       |
| 4. | Excavation.....  | 10.00                       |
| 5. | Stormwater/erosion control .....   | 50.00                       |
| 6. | Trade Permits  |                             |
|    | Electric .....   | 140.00                      |
|    | Plumbing .....   | 50.00                       |
|    | HVAC .....   | + 40.00                     |
|    | <b>Subtotal</b> .....  | <b>\$575.00</b>             |
| 7. | Construction–based on floor area   |                             |
|    | 1,200 to 1,800 sq. ft. \$150.00 .....  | Total Permit Fee - \$725.00 |
|    | 1,801 to 2,400 sq. ft. \$200.00 .....  | Total Permit Fee - \$775.00 |
|    | 2,400 > sq. ft. \$250.00 .....   | Total Permit Fee - \$825.00 |
- B. One-Family and Two-Family Residences–Additions –
- |    |                                   |                             |
|----|-----------------------------------|-----------------------------|
| 1. | Plan Examination .....            | \$ 50.00                    |
| 2. | Inspections .....                 | 125.00                      |
| 3. | State Stamp .....                 | none required               |
| 4. | Excavation.....                   | 10.00                       |
| 5. | Stormwater/erosion control .....  | 50.00                       |
| 6. | Trade Permits (If Required)       |                             |
|    | Electric .....                    | 115.00                      |
|    | Plumbing .....                    | + 25.00                     |
|    | <b>Subtotal</b> .....             | <b>\$375.00</b>             |
| 7. | Construction–based on floor area  |                             |
|    | 1 to 300 sq. ft. \$ 50.00 .....   | Total Permit Fee - \$425.00 |
|    | 301 to 500 sq. ft. \$ 75.00 ..... | Total Permit Fee - \$450.00 |
|    | 500 + sq. ft. \$100.00 .....      | Total Permit Fee - \$475.00 |
- C. Miscellaneous – NOTE: \$25.00 minimum on all permit fees
- |    |  |   |
|----|--|---|
| 1. | Other structures, alterations, siding, and repairs:<br>..... | \$5.00 per \$1,000.00 – minimum \$25.00                                   |
| 2. | Garage and accessory building .....                          | \$25.00 plus \$0.10 per ft <sup>2</sup>                                   |
| 3. | Driveway and concrete slab.....                              | \$25.00   |
| 4. | Fence permits (includes Excavation Fee).....                 | \$25.00   |
| 5. | Yard shed permits.....                                       | \$5.00 per \$1,000.00 – minimum \$25.00                                   |
| 6. | Swimming pool permits.....                                   | \$25.00   |
| 7. | Flammable liquid storage<br>.....                            | \$5.00 per 1,000 gallons of capacity – minimum \$25.00<br>\$60.00 maximum |
| 8. | Wrecking and razing (all buildings).....                     | \$25.00   |
| 9. | Moving building over public ways (all buildings) .....       | \$50.00   |

<sup>1</sup> Amended by Ordinance No. 2009-8. Enacted on November 3, 2009.



- D. Electrical Permits –  
One percent (1%) of the total cost of electrical installation, subject to \$25.00 minimum plus inspection fees of \$40.00 per inspection required
  
- E. Plumbing Permits –
  - 1. Remodeling and additions ..... \$50.00
  - 2. Sprinkler systems ..... \$50.00
  - 3. Sewer lateral repair or replacement ..... \$25.00
  - 4. Clearwater compliance inspections ..... \$25.00
  
- F. Heating, Ventilation, and Air Conditioning (HVAC) Permits –
  - 1. Hot water and steam systems:
    - a. New installation ..... \$20.00
    - b. Replacement boiler to existing piping ..... \$15.00
    - c. Install additional radiation to existing system ..... \$15.00
  
  - 2. Warm air heating systems:
    - a. New installation ..... \$20.00
    - b. Replacement furnace to existing duct work ..... \$15.00
    - c. Install additional radiation to existing duct work ..... \$15.00
  
  - 3. Central air conditioning:
    - a. New installation ..... \$20.00
    - b. Replacement central air ..... \$15.00
  
  - 4. Air to air heat exchanger - new installation ..... \$15.00
  - 5. Conversions ..... \$15.00
  - 6. Oil or gas burner assembly ..... \$15.00
  - 7. Unit heaters - gas or oil fired - per unit ..... \$15.00

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**Appendix 14A-2  
Street Opening Permit Fee Schedule**

<b><u>STREET SURFACE TYPE</u></b>	<b><u>Repair Charge</u></b>
Gravel	\$50 L.S.
Bituminous/Gravel	\$6.25/S.F.*
Portland Cement Concrete	\$4.40/S.F.*
Bituminous over Concrete or Brick	\$9.40/S.F.*
Sawing Fee	\$9.10/L.F.
Permit Fee	\$25.00

\*Minimum Fee \$50.00

Curb or curb and gutter replacement required to be accomplished and attributable to the work of the contractor, plumber, or utility shall be measured by the square foot and charged at the same rate as is charged for the adjacent street or surface type.

These fees shall be adjusted each year to reflect the actual costs experienced by the City in accomplishing the street restoration and maintenance of said excavation.