

**TOWN OF RICE LAKE
ORDINANCE #19-104
BUILDING PERMIT ORDINANCE**

1.1. AUTHORITY.

This ordinance is adopted pursuant to the authority under Wisconsin Statutes 101.65 which allows towns to exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and two-family dwelling code adopted in accordance with this ordinance. The Town Board of the Town of Rice Lake has the authority under s.60.61, Wisconsin Statutes, and general authority under its Village Powers for the general health, welfare, and safety of the town to adopt this Ordinance.

1.2. PURPOSE.

The purpose of this ordinance is:

- A. To promote the general health, safety and welfare of town residents as authorized under Wisconsin Statutes 60.61, and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin uniform Dwelling Code;
- B. To acquire information on the type, size, and location of all buildings and structures constructed, deconstructed, remodeled, removed, or demolished, excluding commercial buildings;
- C. To exercise jurisdiction over the construction and inspection of new buildings, as well as additions that increase the physical dimension of dwellings and alterations to building structures, excluding commercial buildings;
- D. To provide plan review and on-site inspection performed by persons or agencies certified by the Department of Safety and Professional Services;
- E. To establish and collect fees to defray the cost thereof;
- F. To provide remedies and penalties for violations of this ordinance

1.3. SEVERABILITY.

If any section, clause, provision, or portion of this ordinance or the Wisconsin Administrative Code chapters are adjudged unconstitutional or invalid by a court of competent jurisdiction the remaining provisions shall not be affected thereby.

1.4. REPEAL.

Ordinance #18-101 "Building Permit Ordinance" is hereby repealed. All other ordinances or part of ordinances of the Town of Rice Lake inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

1.5. ADOPTION OF CODES BY REFERENCE.

- A. The Uniform Dwelling Code, Wisconsin Administrative Code Chapters SPS 320 to 325 and Chapter 327, and all amendments thereto, are adopted and incorporated in this chapter by reference and shall apply to all buildings within the scope of this chapter. A copy of the code is on file with the Town Building Inspector.
- B. Adoption of Plumbing Codes SPS 381 to 387; Electrical Codes SPS 316,, and Heating and Ventilating Codes. Chapters SPS 364, and all amendments thereto in effect on the date of the adoption of this chapter are hereby adopted and made part of this chapter by reference and are applicable to all those classes of buildings to which said codes apply. Copies of said codes are available online and from the Town Building Inspector.
- C. The Building Inspector, as certified by the DSPS, is hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin uniform Dwelling Code and other Administrative Codes adopted by the Town of Rice Lake.
- D. Any existing Town Ordinances pertaining to building construction.

1.6. BUILDING INSPECTOR.

- A. There is hereby created the position of Building Inspector, who shall administer and enforce this chapter and who shall be certified by the Wisconsin Department of Safety and Professional Services as specified by WI Stat.101.66(2). Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electric, UDC Plumbing, and UDC Construction. The Town Board shall make the appointment or contract for such services.
- B. The Building Inspector shall have the power and duty to see that construction, reconstruction or alteration of dwellings, garages, sheds, accessory structures, decks and breezeways in the Town conform to the laws of the State of Wisconsin, the orders, rules and regulations laid down by the Department of Safety and Professional Services of the State of Wisconsin and the ordinances, rules and regulations of the Town and County, and to make all inspections as required.

1.7. BUILDING PERMIT REQUIRED.

Prior to commencing any of the following work, the owner or agent shall obtain a valid building permit from the Town of Rice Lake Building Inspector:

- A. Construction of new buildings, including 1 and 2 family dwellings, camping units (a framed structure that is 400 square feet or less in area, which is used for seasonal overnight camping), garages, storage sheds, decks, breezeways, etc.;
- B. Additions that increase the physical dimensions of a building, including decks;
- C. Alterations to the building structure, or alterations to the building's heating, electrical or plumbing systems, except where exempted in Section 1.8. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements.
- D. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered;
- E. Electrical service modifications;

1.8. EXEMPTIONS FROM BUILDING PERMITS.

The requirement in Section 1.5 to obtain a building permit shall not apply to any of the following:

- A. Buildings or structures owned by the Town of Rice Lake.
- B. The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment (except electric service) without the alteration of, or addition to, the building or structure.
- C. Re-siding, re-roofing and finishing interior surfaces, and installation of cabinetry.
- D. Fences or other similar enclosures.
- E. Accessory structures including unattached garages and storage sheds without water and/or electric service.
- F. Preconstructed storage sheds (yard barns) and gazebos.
- G. In-ground swimming pools.

1.9. FEES; VIOLATIONS AND PENALTIES.

- A. Fees. The building permit fee and an administrative fee shall both be paid in full prior to the issuance of the building permit. Both fees shall be based on the Town's Municipal Fee Schedule which may change from time to time. All building permits issued for new dwellings shall include a fee to be forwarded to the Wisconsin Department of Safety & Professional Services (DSPS) for the UDC permit seal as established by the WI DSPS.
- B. Penalties.
 - 1. The fee will be doubled if construction is started prior to issuance of a permit.
 - 2. The enforcement of this chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and/or injunctive action. Any person, firm or corporation violating any provision of this chapter

shall, upon conviction, forfeit not less than \$25 nor more than \$500 and the costs of prosecution. Each day the violation continues after a written notice from the Building Inspector is delivered to the occupant, property owner, or construction contractor, shall constitute a separate violation.

2.0. APPLICATION PROCESS; ISSUANCE OF PERMIT.

- A. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector with the appropriate building requirements of the town and, where applicable, of the county or the state for the contemplated improvement shall be provided to the permit applicant by the Building Inspector at or before the submission of an application for a building permit.
- B. Plans and drawings. The building permit applicant shall submit with the application, two complete sets of site plans and specifications, one set of blueprints and an erosion control plan.
- C. County permits. The applicant must obtain any permits required by the County, and include copies of such permits with the building permit application, including but not limited to a county land use permit, sanitary permit, and driveway permit, if necessary.
- D. Driveway permits. The building permit applicant shall submit with the application a copy of a driveway permit, which shall be applied for and obtained from the Town Board or designated agent for town roads, and from the Wisconsin Department of Transportation for state roads, and the Barron County Highway Department for county roads..
- E. Approval of plans and issuance of building permit. If the Building Inspector determines that the proposed building, addition or alteration will comply in every respect with all the ordinances of the town and all applicable laws and regulations of the State of Wisconsin and is not in violation of the Town Subdivision Ordinance, County Zoning Code, or any applicable Town or County ordinance, he shall conditionally approve the plans and issue a building permit which shall be valid for 24 months. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or regulations or which involves the safety of the building or occupants. One copy of the approved plan shall be returned to the applicant. The town shall retain one copy.
- F. State Uniform Dwelling Code seal. At such time as a building permit is issued for one- or two-family dwellings, it shall have affixed to it a State of Wisconsin Uniform Dwelling Code seal.
- G. Fees. Fees shall be submitted to the Building Inspector at the time the application is filed.
- H. Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations or repairs.

2.1. DISAPPROVAL OF PLANS AND DENIAL OF PERMIT.

- A. If the Building Inspector determines that the building permit application or plans do not conform to the provisions of the applicable codes or ordinances or other requirements, approval shall be denied.
- B. Denial of application. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or to the owner as specified on the application.
- C. Stamping of plans. Plans and specifications, which do not substantially conform to the provisions of the Building Code, shall be stamped "Not approved." One copy shall be returned to the applicant and one copy retained by the town.

2.2. TIME LIMIT FOR ACTION ON APPLICATION; POSTING OF PERMIT.

- A. Time for permit issuance. Action to approve or deny a building permit application shall be completed within 10 business days of receipt of all of the forms, fees, plans and documents required processing the application.
- B. Posting of permit. The applicant shall be responsible for posting the building permit and other permits required by the town, county, state or other municipalities in a conspicuous place at the building site and within view of the adjacent roadway.

2.3. COMPLIANCE WITH PERMIT.

All construction must comply with the building permit and the plans submitted with the building permit application. Any construction that is not authorized on the building permit, blueprint, site plan, or plans, or is not listed on the building permit application is a violation of the permit and subject to the violations and penalties established in this ordinance.

2.4. REVOCATION OF PERMIT.

- A. If the Building Inspector finds at any time that the provisions of this chapter are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work.
- B. When any permit is revoked, no further work shall be done until the permit is reissued, except such work as the Building Inspector may order as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

2.5. LAPSE OF PERMIT.

A building permit shall lapse and be void unless construction under the permit is commenced within six months from the date of issuance thereof. The building permit shall lapse and be void if the permit purpose has not been fully completed within 12 months from the date of issuance of the permit. Once a permit has lapsed, no further work shall be performed under such lapsed permit until such time as a new permit has been issued.

2.6. INSPECTIONS.

- A. All inspections for the purpose of administering and enforcing the UDC and Town Building Code ordinance shall be performed by a certified inspector who shall conduct inspections according to the respective codes being applied and enforced.
- B. Notification. The builder shall give the Building Inspector, for all inspections required by UDC Chapter SPS 320.10, 48 hours' notice as per UDC.
- C. Witness to inspection. It is recommended that a representative of the developer, contractor, builder or owner be present at each required inspection. It shall be the responsibility of the developer, contractor, builder or owner to coordinate inspection times and dates with the Building Inspector.
- D. Re-inspections. Any re-inspections necessary due to incomplete work or non-complying conditions shall be subject to an additional fee per inspection to be paid in full prior to the issuance of the occupancy permit.

2.7. ENFORCEMENT; RIGHT OF ENTRY.

Except where otherwise provided in this code, the Building Inspector shall have the general management and control of all matters pertaining to building inspection and shall enforce all state laws, town ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures, dwellings, public buildings, and places of employment in the Town.

2.8. RECORDS AND REPORTS.

- A. The Building Inspector shall maintain a record of all permits issued, which shall be kept on file and remitted to the Town monthly.
- B. The Building Inspector shall make a monthly and annual written report to the Town Board of all permits issued, violations noted and fees collected.

2.9. OCCUPANCY PERMITS.

The Town of Rice Lake Building Inspector shall issue occupancy permits for all new dwellings.

- A. All inspections shall have been satisfactorily completed, all required fees shall have been paid, and all required terms of this Building Code shall have been met before an occupancy permit will be issued.
- B. No single- or multiple-family dwelling may be occupied by any person or party until an occupancy permit has been issued.
- C. A penalty will be charged if a dwelling is occupied prior to issuance of an occupancy permit.

3.0. NON-LIABILITY OF TOWN.

This ordinance shall not be construed as creating or assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment in any plumbing or electric wiring or equipment.

3.1. SEVERABILITY.

If any section, clause, provision, or portion of this chapter or Wisconsin Administrative Code chapters are adjudged unconstitutional or invalid by a court of competent jurisdiction the remaining provisions shall not be affected thereby.

3.2. EFFECTIVE DATE.

This ordinance shall be effective upon passage and publication as provided by law.

Adopted this 12th day of August, 2019 by the Town Board of the Town of Rice Lake.

Voting in favor: _____ Voting opposed: _____

Dean A. Borofka, Chairman

Thomas Field, Town Supervisor Peter Gallagher, Town Supervisor

Donald Putnam, Town Supervisor David Crotteau, Town Supervisor

CERTIFICATION

The undersigned, Town Clerk for the Town of Rice Lake, does hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Rice Lake at a meeting held on August 12, 2019, which meeting was properly noticed and conducted in the manner provided for by law, and at which a quorum of members of the Town Board were present.

Dated this 12th day of August, 2019.

Janet Tomesh, Clerk/Treasurer

Posted: August 13, 2019

Published: August 21, 2019