

Town of Berry
Title: BUILDING AND MECHANICAL CODE ORDINANCE #2001-2
(Revised 10-17-2005)
Building Inspection Program

1-01 Authority

These regulations are adopted under the statutory authority granted pursuant to Section 101.65 and 101.76 {and by its adoption of Village powers under Sections 60.10(2)(c), 60.22(3), 61.34(1)} of the Wisconsin Statutes.

1-02 Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and to establish uniform building guidelines and inspection procedures.

2-01 Definitions

As used in this Chapter, the following terms have the meaning prescribed herein: (Any term not defined herein shall follow the Wisconsin Administrative Code definitions.)

1) Building. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory structures.

2) Accessory Building. A building or portion of a building subordinate to a principal building, and not attached to it, and used for a purpose customarily incident to the permitted use of the principal building.

3) Construction. Any part of the activity of installing, locating, siting, erecting or raising a building or a portion of a building.

4) Contractor. Any person, firm or entity which undertakes for remuneration any activity related to the construction of a building other than the mere provision of supplies, materials.

5) Department. The state of Wisconsin, Department of Commerce.

6) Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

7) Garage, Private. A private garage is a structure designed primarily for storage of private vehicles and wherein such storage of vehicles is accessory to residential use of the property. A carport is considered a private residential garage.

8) Garage, Public. Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.

9) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

10) Occupancy. The act of utilizing a building for human habitation or use, or any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, . detached residential accessory structure, or commercial use shall constitute occupancy.

11) Owner. The individual, firm or entity which has record title to a parcel of real estate.

12) Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.

13) Minor Repairs. Construction for purposes of maintenance or replacements in any existing building or structure which does not involve the structural portions of the building or structure, or which does not affect room arrangement, light and ventilation, access to or deficiency of any exit stairways or exits, fire protection, and which does not involve alterations or additions to existing mechanical systems serving the building and which does not increase a given occupancy and use, shall be deemed minor repairs.

14) Stop work order. A written directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on a construction project until work that is out of compliance with this code has been corrected.

2-02 Scope

The Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings and residential accessory buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures and agricultural structures.

2-03 Permit Required

- 1) Except as otherwise provided herein, no owner or contractor may commence construction of any building, portion of a building, or mechanical system prior to obtaining a valid permit from the municipal building inspector.

- 2) The construction which shall require a building permit includes, but is not limited to:
 - a) New buildings including detached structures (decks) and accessory buildings over 32 square feet in floor area.
 - b) Residential pole sheds.
 - c) Additions that increase the physical dimensions of a building including decks.
 - d) Alterations to the building structure, cost shall include market labor value.
 - e) Alteration of plumbing, HVAC or electrical systems.
 - f) Any electrical wiring for new construction or remodeling.
 - g) Any HVAC for new construction or remodeling.
 - h) Any plumbing for new construction or remodeling.
 - i) Agricultural buildings - Administrative permit only - no inspections.

- 3) The following construction activities shall not require a building permit:
 - a) Re-siding, re-roofing and finishing of interior surfaces, replacement of windows, installation of cabinetry and minor repairs. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
 - b) Normal repairs and replacements of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, dimmers, furnace, air conditioning, garbage disposal, water heater and water softener.
 - c) Construction of accessory buildings of less than 32 square feet in floor area and not served by any utility (excluding telephone).

2-04 Adoption of Codes

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

Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 50-64	Commercial Building and Heating, Ventilating and Air conditioning Code
Ch. COMM 66	Uniform Multi-Family Code
Ch. COMM 69	Barrier-Free Design
Ch. COMM 70	Historic Building Code

Ch. COMM 75-79
Chs. COMM 82-87

Existing Building Code
Uniform Plumbing Code

2) Any local building codes or requirements other than those contained herein are repealed.

2-05 Scope of Uniform Dwelling Code Expanded. For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- 1) Additions, alterations and repairs other than minor repairs for one and two family dwellings built prior to June 1, 1980.
- 2) Detached garages greater than 200 sq. Ft. serving one and two family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) COMM 22 shall not apply.
- 3) With respect to other accessory buildings, concrete slabs, frostfree footings, and the like are not required, but if they are installed they shall follow (2) above and/or COMM 21.

2-06 Certified Municipality Status

The Town has adopted the Certified Municipality Status as described in COMM 61.70 of the Wisconsin Administrative Code.

2-07 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 specified under COMM 5, Wisconsin Adm. Code
- 2) Subordinates. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in COMM 5, Wisconsin Adm. Code, by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of the 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 heating 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.

5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- a) Footing
- b) Foundation
- c) Rough Carpentry, HVAC, Electric and Plumbing
- d) Drainage/Basement Floor
- e) Underfloor plumbing
- f) Electric Service
- g) Insulation
- h) Final Carpentry, HVAC, Electric and Plumbing
- i) Erosion Control

6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector.

7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, is the responsibility of the contractor and/or property owner.

8) Records. The Building Inspector shall perform all administrative task required by the Department under all codes covered in 1-106. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

2-08 Submission of Plans

The owner or contractor shall, with respect to any proposed construction, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector for any other work for which a building permit is required. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

2-09 Issuance of Permit

1) The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. No building permit will be issued until the Town has issued a permit to construct a driveway the entire distance from a public road to the building site. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of permit fees.

2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector, the right of access to the real estate on which the permitted construction will occur.

3) Permits are issued on the condition that the owner and/or contractor(s) shall conform to the requirements to all applicable codes, zoning ordinances and setback requirements in constructing the building.

2-10 Occupancy Permit

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with all applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

2-11 Unsafe Buildings

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, such structure may be repaired at the owners's option. Such orders and proceedings shall be as provided in Section 66.0413, Wis. Stats.

2-12 Exterior Finish Required

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

2-13 Fees

Prior to issuance of the building permit, the applicant shall pay fees as established periodically by the Municipality. If work commences before the permit is issued, the permit fee shall double.

2-14 Violations and Penalties

1) Prohibition. No person, entity, or firm may construct, remodel, 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 forfeit not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance, 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. Violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

2-15 Stop Work Order

The Building Inspector may issue a stop work order for a project to prevent continuance of non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued except for the purpose of rectifying the non-complying work. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the building or driveway codes.

2-16 Variance

The Town Board shall hear requests for variances from the building code to the extent the Town has authority to hear and grant variances. A request for variance shall be in writing delivered to the Town Clerk. The Town Board shall approve, conditionally approve, or deny a requested variance. The Town Board may grant a variance from a code requirement only if the variance is permitted by state law and if performance of the proposed variance will cause no threat to the health or safety of those affected thereby.

2-17 Appeals

Any person aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules COMM 20.21.

2-18 Disclaimer and Non-Liability for Damages

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

3-01 Fee Schedule

The applicant shall pay the fees as set forth in the attached exhibits one through four, which exhibits are incorporated herein by this reference, and any other fees which may be specifically designated by State Statute of Town ordinance.

4-01 Severability

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

5-01 Effective Date

This ordinance shall become effective upon passage and publication as required by law.

Adopted this 17 day of October, 2005

Attest: _____
Brenda Kahl, Clerk/Treasurer

Melvern L Bankes, Chair

Published: _____

Fran Tourdot, Supervisor

Posted: October 18, 2005

Mark Hellenbrand, Supervisor

Judy Laubmeier, Supervisor

Terry Zander, Supervisor

FEE SCHEDULE

A. RESIDENTIAL - 1 & 2 Family

- 1. New Structure
 - \$0.03 per sq. foot all area for plan review, plus
 - \$0.08 per sq. foot all area for inspection fees,
 - for a total of \$0.11 per sq. foot
 - \$75.00 minimum

- Erosion Control - \$75.00

- 2. Additions
 - \$0.03 per sq. foot all area for plan review, plus
 - \$0.08 per sq. foot all area for inspection fees,
 - for a total of \$0.11 per sq. foot
 - \$75.00 minimum

- Erosion Control - \$50.00

- 3. Remodel
 - \$6.00 per thousand of valuation of structure
 - \$40.00 minimum

- 4. Accessory Structure (Defined as garages, sheds over 32 sq. ft., used in conjunction with the residence use.)
 - \$0.11 per sq. foot all areas
 - \$40.00 minimum

- 5. Pole Sheds (Unheated)
 - \$0.05 per sq. foot
 - \$40.00 minimum

- 6. Occupancy Permit - \$30.00

- 7. Temporary Occupancy Permit - \$50.00

- 8. Pools - \$40.00 each

- 9. Early Start Permit - \$50.00 (Footings and Foundations)

- 10. Other - \$30.00 minimum (Does not meet the requirements of 1-9 above)

B. COMMERCIAL

1. New Structure ** Addition

- a. Multi-Family (3 family or more), Motels, CBRF, Daycare - \$0.12 per sq. foot
- b. Mercantile, Restaurants, Taverns, Assembly Halls, Churches, Offices - \$0.12 per sq. foot
- c. Schools, Institutional, Hospitals - \$0.13 per sq. foot
- d. Manufacturing and Industrial - \$0.11 per sq. foot (Office area to follow fees in b.)
- e. Vehicle and Small Engine Repair, Parking and Storage, Auto Body - \$0.13 per sq. foot
- f. Warehouse, Mini Warehous, Building Shells* for Multi Tenant Buildings - \$0.07 per sq. foot
- g. Build-Out* - See above New Structure fees a-f
- h. Special Occupancies (Outdoor Pools, Towers, Tents, etc.) - \$0.08 per sq. foot
- i. The above referenced permits (a-h) have a \$75.00 minimum permit

Erosion Control - \$175.00 for the first acre then \$75.00/acre or portion thereof

- 2. Remodel * Reroof * Residing - \$7.00 per thousand of valuation of structure
- \$75.00 minimum
- 3. Occupancy, Temporary Occupancy, Change of Business Use Permit - \$50.00 per unit
- 4. Commercial Plan Review – Certified Municipality per COMM 2.31
- 5. Early Start Permit - \$75.00 (Footings and Foundation per COMM 61.32)
- 6. Other - \$75.00 minimum (Does not meet the criteria of 1-5 above)

C. AGRICULTURAL BUILDINGS (unheated) (Defined as barns, sheds, silos, etc. used in conjunction with a permitted agricultural use in that district.)

1. New Buildings - \$30.00 – No Inspections

D. MISCELLANEOUS

1. Plumbing - See Attached Exhibit 2 (hard copy only)
2. Electrical - See Attached Exhibit 3 (hard copy only)
3. HVAC - See Attached Exhibit 4 (hard copy only)
4. Special inspections, complaint inspections, pre-existing permit inspections and any other duties shall be at an hourly rate with a minimum of 1 hour.
5. Minimum Permit Fee - \$30.00
Re-inspection Fee - \$30.00 each
Failure to call for inspection - \$30.00 each
Double fees are due if work started before the permit is issued.
6. State Seal - \$30.00