

**TOWN OF GIBRALTAR ORDINANCE
FOR ADOPTION OF BUILDING CODE
ORDINANCE NUMBER 2007-07**

1-1-01 Authority

This Ordinance is adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.

1-1-02 Purpose

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

1-1-03 Definitions

As used in this Chapter, the following terms have the meaning prescribed herein: (Any item 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 buildings.
- 2) **Building Inspector.** The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.
- 3) **Construction.** Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- 4) **Contractor.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- 5) **Demolition.** The activity of completely or partially destroying a previously erected or constructed building.
- 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) 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.
- 8) Occupancy. The act of utilizing a building for human habitation, use, or occupancy. 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.
- 9) Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- 10) 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.
- 11) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do 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 do not increase a given occupancy and use, shall be deemed minor repairs.
- 12) Stop work order. A 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 the construction project until the building inspector has authorized the resumption of the construction project.

1-1-04 Scope

This Code applies to all 1 & 2 family dwellings, decks, residential accessory buildings, including detached garages and commercial buildings/structures. Notwithstanding this section, this Ordinance shall not apply to children's play structures.

1-1-05 Permit Required:

- 1) No owner or contractor may commence construction of any 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:
 - a) New buildings within the scope of this Ordinance (including residences, detached garages, new decks and commercial buildings/structures).
 - b) Additions that increase the physical dimensions of a building including decks.
 - c) Any alteration to or remodeling of, a building within the scope of this Ordinance, including re-roofing, residing, finishing of interior surfaces or installation of cabinetry for 1 & 2 family buildings, when the total cumulative cost or value of such alterations or remodeling exceeds One Hundred Thousand Dollars (\$100,000.00) in any twelve month period.
 - d) Any re-roofing of a building if the proposed re-roofing would constitute a third or more layer of roofing, in which event a permit accompanied by structural load-bearing calculations shall be required.
 - e) Any electrical wiring for new construction, including additions or remodeling.
 - f) Any HVAC for new construction, including additions or remodeling.
 - g) Any plumbing for new construction, including additions or remodeling.
 - h) Any new or re-wired electrical service, including services for agricultural buildings.
- 3) The following construction activities shall not require a building permit:
 - a) Any alteration to or remodeling of, a building otherwise within the scope of this Ordinance, including re-roofing, residing, finishing of interior surfaces or installation of cabinetry for 1 & 2 family buildings, when the total cumulative cost or value of such alterations or remodeling does not exceed One Hundred Thousand Dollars (\$100,000.00) in any twelve month period.
 - b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, dimmers and fixtures.

1-1-06 Adoption of State 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 2.31	Plan Review Fee Schedule
Ch. COMM 5	Credentials
Chs. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 60-66	Commercial Building Code
Chs. COMM 75-79	Existing Building Code
Chs. COMM 81-87	Uniform Plumbing Code

1-1-07 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 for one and two family dwellings built prior to June 1, 1980.
- 2) Detached accessory buildings greater than 200 sq.ft. serving one and two family dwellings.
 - a) Frost Protection for Footings and Foundations
 1. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab 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 or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. 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.
 2. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than forty-eight (48) inches below grade per COMM 21.
- 3) Detached accessory buildings less than 200 square feet in size, concrete slabs, frost-free footings and the like are not required, but if they are installed they shall follow (2) above and/or COMM 21. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood per COMM 21.10.

1-1-08 Certified Municipality Status

- 1) **Certified Municipality.** The Town has adopted the Certified Municipality Status as described in COMM 61.60 of the Wisconsin Administrative Code.
 - a) **Responsibilities.** The Town shall assume the following responsibilities for the Department of Commerce (Department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
 - b) **Plan Examination.** Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 1. A new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 4. An alteration of a space involving less than 100,000 cubic feet of total volume.

5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 6. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- c) **Plan Submission Procedures.** All commercial buildings, structures and alterations require plan submission as follows:
1. Building permit application
 2. Application for review – SBD-118
 - a. Fees per Table 2.31-2 and COMM 2.31
 - b. Fees apply to all commercial projects
 3. 4 sets of plans
 - a. Signed and sealed per COMM 61.31
 - b. (1) set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

1-1-09 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) **Assistants.** The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant 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 this 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, Stats.

- 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) DRAINTILE/BASEMENT FLOOR
 - e) Underfloor Plumbing
 - f) Electric Service
 - g) Insulation
 - h) Final Carpentry, HVAC, Electric & Plumbing
 - i) Erosion Control
 - j) Any project that falls within the scope of this Ordinance, the real property of which is served by a public sewer utility, shall hereafter include an inspection of the sewer lateral or laterals serving said property as a part of the inspections which may properly be made under this Ordinance.

- 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, will be the responsibility of the contractor and/or property owner.

- 8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 1-1-06. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

1-1-10 Submission of Plans

The owner or contractor shall, with respect to any proposed construction or demolition, 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. 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 or demolition project 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.

1-1-11 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. 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 six months with the Building Inspector's approval and payment of renewal 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 or demolition will occur.
- 3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- 4) No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this Ordinance until such violation has been corrected.
- 5) No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.
- 6) It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

1-1-12 Completion Deposit Required

A deposit of \$400.00 is required for all projects whose total cost, including labor, materials and supplies, will equal or exceed \$15,000.00. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection and the issuance of an occupancy permit, or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

1-1-13 Occupancy Permit

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the 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.

1-1-14 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 recommend to the Town Board an order be sent to the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413, Wis. Stats.

1-1-15 Fees

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuance, the permit fee shall double. The initial fees are set forth on the attached Exhibit 1. The fees may be adjusted by the Municipality from time to time by resolution or further ordinance.

1-1-16 Violations and Penalties

- 1) Prohibition. No person, entity, or firm may construct, add on to, alter, 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, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, 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. Therefore, violations of this Ordinance shall constitute a public nuisance that may be enjoined in a civil action.

1-1-17 Stop Work Order

The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that 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 State building codes.

1-1-18 Variance

The Town Board shall hear requests for variances from the building code to the extent the Town Board has authority to hear and grant variances. The Town Board shall approve, conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

1-1-19 Appeals.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality 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.

1-1-20 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.

1-1-21 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.

Dated this 5th day of December, 2007.

TOWN BOARD FOR THE TOWN OF GIBRALTAR

Merrell P. Runquist
Town Chairman

Richard Skare
Town Supervisor

Brian Merkel
Town Supervisor

Myrvin Somerhalder
Town Supervisor

Steven W. Sohns
Town Supervisor

Attest: Sharon Kellner
Sharon Kellner, Clerk

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