

ORDINANCE # 2018 - 1A
AN ORDINANCE REGULATING BUILDING CONSTRUCTION

WHEREAS, by State Statute and State Administrative Code, local municipalities are authorized to adopt ordinances providing them with the authority to regulate the construction of buildings within their jurisdiction; and

WHEREAS, on May 23, 2018 the Town Board of the Town of Monroe did enact Ordinance Number 2018-1, an Ordinance Regulating Building Construction; and

WHEREAS, said ordinance was provided to the State Wisconsin Department of Safety and Professional Services (DPS) to notify the department that the town intended to exercise building code jurisdiction, as required by Wisconsin Administrative Code Sections SPS 320.06(1)(b) and SPS 361.60(2)(a); and

WHEREAS, DPS subsequently notified the town board of its request to include additional provisions addressing commercial building code appeal rights concerning decisions of the building inspector and requests for variances to the building code; and

WHEREAS, the revised language of the ordinance as set forth below having been reviewed and approved by DPS on June 29, 2018.

NOW, THEREFORE, the Town Board of the Town of Monroe do hereby ordain as follows:

Section I. Ordinance Number 2018-1, an Ordinance Regulating Building Construction, is hereby repealed and re-created to read as follows:

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- 1.1 Authority. These regulations are adopted under the authority granted by s. 101.65, Wis. Stats.
- 1.2 Purpose. The purpose of this Ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling and Commercial Building Codes.
- 1.3 Scope. The scope of this Ordinance includes construction and inspection of one and two-family dwellings built since June 1, 1980. Notwithstanding Wis. Adm. Code s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this Ordinance also includes the construction and inspection of alterations and additions to one and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Adm. Code ss. SPS 320.19 and 320.21, respectively, shall be decided by the town board. Petition for variance shall be decided per Wis. Adm. Code s. SPS 320.19 (Intro) so that equivalency is maintained to the intent of rules being petitioned. In addition, the scope of this Ordinance includes construction and inspection of all commercial buildings and residential accessory buildings over 150 sq. ft.
- 1.4 Wisconsin Uniform Dwelling and Wisconsin Uniform Commercial Building Codes adopted. The Wisconsin Uniform Dwelling Code, chs. SPS 320-325 and the Wisconsin Uniform Commercial Code chs. SPS 361-366 and Appendix A & B, and their successors, of the Wisconsin Administrative Code, and all amendments thereto, as amended by this Ordinance, are adopted and incorporated by reference and shall apply to all buildings within the scope of this Ordinance.
- 1.5 Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this Ordinance and shall be certified by the Division of Professional Credential Processing, as specified by Wisconsin Uniform Commercial Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC and Commercial HVAC, Plumbing, and Electrical.
- 1.6 Building Permit Required. No person shall build, alter or add on to any building within the scope of this Ordinance without first obtaining a building permit from the building inspector.
- 1.7 Exceptions. The provisions of this ordinance do not apply to the following:
 - (1) Farm buildings used exclusively for farm operations and not for human habitation.
 - (2) The repair of a building including the redecorating, refinishing, repair of nonstructural items or maintenance of the building to its previous code compliant condition, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or equipment, including the replacement of roofing materials, siding, the finishing of interior surfaces and the installation of cabinetry.
 - (3) Minor additions or alterations to buildings defined as additions or alterations which do not exceed \$5000 in value or cost in any 12 month period and which do not affect light and ventilation and access to or efficiency of any exit stairways or exits or fire protection.
- 1.8 Appeals. Any person who owns or occupies property that is affected by an order or determination of the building inspector may petition the town board for a hearing on the reasonableness of the order or determination. The petition is to be filed with the town clerk who will forward the petition to the town board and the building inspector. At the hearing the petitioner may be represented by legal

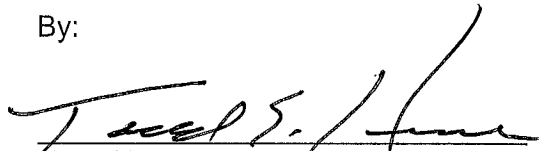
counsel and may present testimony and call witnesses on petitioner's behalf. The building inspector may also present testimony and call witnesses in support of the order or determination at issue. Following the conclusion of the testimony, the town board will issue its decision to either uphold, reverse or modify the decision of the building inspector. The decision will be reduced to writing and provided to the petitioner and the building inspector.

- 1.9 Petition for Variance. Petitions for variance to a provision of Wis. Adm. Code ss. SPS 361-366 may be filed with the State of Wisconsin Department of Safety and Professional Services. The department shall consider and may grant a variance in accordance with Wis. Adm. Code s. SPS 303.
- 1.10 Building Permit Fees. Building permit fees shall be as adopted by resolution of the Town Board of the Town of Monroe.
- 1.11 Penalties. This ordinance may be enforced by withholding building permits and injunctive action in addition to the imposition of forfeitures. Any person violating any provision of this ordinance shall be subject to a forfeiture of not less than \$25 nor more than \$500 for each day a violation exists.
- 1.12 Record-Keeping. The building inspector shall keep a log of all inspections completed.

Section II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Town Board of the Town of Monroe this 19th day of July, 2018.

By:


Todd Hasse, Town Chairperson

Attest:


Peggy Murphy, Town Clerk

Date Published: _____