

Town of Kinnickinnic
Building Code Ordinance # 2020-1

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The Town Board of the Town of Kinnickinnic does ordain as follows:

1.0) ORDINANCE AMENDED

Ordinance #2010-1A, 2010-2A, and 2019-2 are hereby amended as follows:

1.1) TITLE: The Ordinance shall be known as and referred to as the “Building Ordinance of the Town of Kinnickinnic”

1.2) AUTHORITY. The Town of Kinnickinnic, County of St. Croix adopts these regulations under the authority granted by s. 101.65, Wisconsin Statutes and 101.12, Wisconsin Statutes.

1.3) 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 Code, and the State Building, Plumbing, Electrical and HVAC Codes, and any other Wisconsin Administrative Code or Wisconsin State statute provisions pertaining to residential and commercial buildings.

1.4) SCOPE: The provisions of this Ordinance shall govern the design, construction, alteration, demolition, and moving of all buildings and structures within the Town of Kinnickinnic.

A.) INCLUSIONS:

The scope of this Ordinance includes the construction and inspections of all new and existing buildings, structures, and one-and-two family dwellings built within the Town. New buildings or structures erected or any buildings or structures moved within or into the Town will be considered new buildings and shall conform to all the requirements of this Ordinance, except as they are herein specially exempted from part or all of these provisions. The provisions of this Ordinance apply to all alterations, enlargements, or demolitions of existing buildings or structures. Any installation of electrical, gas, heating, plumbing or ventilation equipment is an alteration constituting a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purpose of this Ordinance whenever it is used for dwelling purposes unless it was being used for such purposes at the time the Ordinance was enacted. The State Electrical and State Plumbing Codes and snow load of 40lb/ sq ft shall also apply to all buildings and structures within the scope of this Ordinance including, but not limited to, accessory buildings and structures such as decks, sheds, garages, gazebos, barns, studios, workshops, and similar buildings and structures. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

1.5) CONSTRUCTION STANDARDS AND CODES ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, and its successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 316	Electrical
Chs. SPS 381-387	Plumbing

1.6) BUILDING INSPECTOR:

A.) APPOINTMENT and GENERAL POWERS. The Town Board shall appoint the Building Inspector. The Building Inspector shall administer and enforce this Ordinance; and shall be properly certified by the Division of Industry Services. For the purposes of this chapter, the Building Inspector shall have the right at all reasonable times to enter all buildings and premises.

The Building Inspector shall have the power to pass upon any questions arising under the provisions of this Ordinance relating to buildings, subject to conditions contained in this Ordinance. Any person interfering with the Building Inspector while in the performance of the duties prescribed in this Ordinance shall be subject to a penalty as hereinafter provided. Any person feeling aggrieved by any order or ruling of the Building Inspector may within 30 days thereafter appeal from such order or ruling to the Town Board, such appeal to be in writing.

B.) COMPENSATION. The Building Inspector shall be compensated for services in an amount determined by the Town Board.

C.) RECORDS: The Building Inspector shall keep a record of all permits, fees and inspections. These are public records and shall be retained by the Town. The Building Inspector shall make monthly and annual reports to the Town Board.

1.7) APPLICATION OF STATE CODES

It shall be the duty of the Building Inspector to enforce the provisions to this Ordinance. Any person violating any provision of this Ordinance shall be subject to the penalties as set forth in Section 1.17 of this Ordinance. If the Building Inspector finds at any time that the holder of the permit refused to conform after a written warning or instruction has been issued, the Building Inspector shall revoke the building permit by written notice and post a "stop work" or "cease and desist" notice at the project site. After a permit is revoked, no person shall do any further work until the permit is reissued. This excludes any work that the Building Inspector has ordered to be done, either as a condition precedent to obtaining re-issuance of the permit or as may be required for the preservation of human life and safety.

1.8) BUILDING PERMIT REQUIRED

No person shall build, install, add onto, alter, or move into the Town, any building or structure within the scope of this Ordinance without first obtaining a permit. The permit must be obtained from the Building Inspector prior to any work being started. Where no such permit is obtained, the work of building, installing, etc., shall continue only upon receipt of a proper permit at a rate of double the normal permit fee(s), and payment of the penalties set forth in Section 1.17. Any structural changes to the mechanical, plumbing or electrical systems shall require permits. The Building Inspector must issue the permit before any work or excavation begins.

(A.) EXEMPTIONS FROM PERMIT REQUIREMENT

- (1.)** Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$5000 (in a 12-month period) and does not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation.
- (2.)** The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to building or structure.

- (3.) Fences or other similar enclosures.
- (4.) Re-roofing projects that do not involve the repair or replacement of any structural elements.
- (5.) Accessory Buildings that do not have electrical or plumbing or accessory buildings that are less than 300 square feet.
- (6.) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector on a case-by-case basis.
- (7.) Residing, finishing of interior surfaces and installation of cabinetry
- (8.) Replacement of same size windows and doors

1.9) DRIVEWAY PERMIT. All driveways abutting, intersecting or joining a Town road shall be required to conform to the Town Road and Driveway Ordinance. A driveway permit is required to be obtained and issued by the Town for all new and altered driveways. The Building Inspector must issue the permit before any work or excavation begins.

1.10) APPLICATION FOR BUILDING PERMITS. Requests for building permits shall be made to the Building Inspector. Application for a building permit shall be made in writing upon an application form furnished by the Building Inspector. The application shall state the name and address of the builder and the owner of the land on which the building or structure is to be erected. A legal description of the land on which the building or structure is to be located shall also be submitted, along with the location of the building on the property, the house number and such other information as the Building Inspector may require. With the building permit application there shall be submitted 1 copy of a stake out survey or plot plan, and two (2) complete building plans and specifications.

(A.) Stake Out Survey or Plot Plan. A recent stake out survey or plot plan shall be required for all lots or parcels of 35 acres or less. A stake out survey prepared by a surveyor, engineer or architect licensed by the State of Wisconsin will be required for vacant land where the first building or structure is being constructed. For parcels already containing a building or structure a plot plan shall be submitted which may be drawn by the owner or contractor as long as it complies with the requirements of this Section. The stake out survey or plot plan shall show at minimum the following:

- (1.) Dimensions of the lot.
- (2.) Type of monuments at each corner of lot.
- (3.) Location and dimensions of all buildings on the lot, both existing and proposed.
- (4.) Distances of all setbacks from the buildings to the lot lines or right-of-way.
- (5.) All easements on the property.
- (6.) Location of all existing or proposed driveways
- (7.) Water courses or existing drainage ditches.
- (8.) Date, seal and signature of surveyor.
- (9.) Septic system components and well.
- (10.) Scale

(11.) North Arrow

(B.) Building Plans. Building plans for new residential structures must conform to all requirements of the adopted State Uniform Dwelling Code, building plans for commercial structures must conform to all requirements of the adopted State Commercial Building Codes. The following shall be shown on all building plans as a minimum. The Building Inspector may require additional information, plans, and specifications as deemed necessary to properly understand, approve and inspect the project.

- (1.)** Wall cross-sections
- (2.)** Foot print of building or structures
- (3.)** Footing and foundation detail
- (4.)** Roof and floor truss lay out

C.) Required Inspections. Scheduling of the required rough and final inspections shall be the responsibility of the homeowner or contractor and shall take place prior to any work being covered or work proceeding. Inspections outlined under the Wisconsin Uniform Dwelling Code shall be required for all residential buildings. Accessory buildings shall be inspected for electrical, plumbing and snow load as applicable. Commercial buildings shall comply with the Wisconsin Commercial Building Code, and those provisions are incorporated herein by reference. Failure to comply with this Section will result in penalties being assessed per Section 1.17 of this Ordinance and re-inspection fees applied.

1.11) BUILDING PERMIT FEES

A.) The permit fees shall be set from time to time by resolution of the Town Board and kept on file in the office of Town Clerk.

B.) A sum as established from time to time by the Town Board under Section 1.11 shall be required to be deposited by each person building a residence, building or structure to ensure that any road damage is repaired, the final inspection is completed, and any non-complying works or improvements are corrected prior to occupancy. These funds will be held by the Town Treasurer and returned to the person issuing the check after an occupancy permit is issued and the building or structure and site are in compliance with all Town, County and State Codes and laws.

1.12) CONSTRUCTION DAMAGE DEPOSIT

A.) Road Damage Deposit Required. Before a building permit is granted by the Building Inspector for any residential or commercial construction, the party applying for the permit shall provide to the Town a road damage deposit in the form of either a letter of credit or cash deposit in the amount required by the Town Fee Schedule resolution. The form of the letter of credit shall be subject to the approval of the Town Board.

B) Use of Road Damage Deposit/Property Owner Responsibility for Repair Damage to

Road Caused by Construction. The Town shall hold the letter of credit/cash deposit until the occupancy permit has been issued. If, at the time of occupancy, the roadway has not been damaged and all erosion control measures per Sec. 1.12(C) have been maintained, the letter of credit/cash deposit shall be held until the roadway has been restored to Town standards and the erosion control measures have been completed. If the property owner does not perform the necessary repair of erosion control work within the time set by the Town Board, the Town shall perform or contract for performance of the work using the letter of credit/cash deposit and, if the Town incurs additional expenses, the additional expenses shall be paid by the permit applicant and/or property owner who shall be jointly liable therefore. If said additional expenses remain unpaid, they shall be certified to the County as a special charge under Wis. Stat. Sec. 66.0627 to be assessed against the property and collected along with property taxes. The letter of credit/cash deposit shall be maintained at its full amount throughout the construction process. If the letter of credit/cash deposit is used to make repairs or install erosion control measures a stop work order shall be issued against the construction project and no further work or construction shall be undertaken until the letter of credit/cash deposit is restored to its full original amount.

C.) Erosion Control Measures. Erosion control measures for construction sites must conform to local, County, and State requirements.

- (1)** All required erosion control measures must be installed at the start of construction and be maintained until construction is completed and the site is permanently stabilized.
- (2)** Erosion control measures must be inspected by the property owner or contractor after each rain event and any repairs or clean up of sediment shall be completed within 24 hours of such event.
- (3)** Written orders from the Town or County to repair or install erosion control measures must be completed within 48 hours of notice to do so which may be given in writing, e-mail, personal contact or by phone.
- (4)** If after 48 hrs the required corrections have not been completed the Town shall:
 - (a.)** Place a stop work order on the site.
 - (b.)** Draw on the Construction Damage Deposit under Sec. 1.12 to complete all necessary corrections and clean up to stabilize the site.
 - (c.)** Have the Construction Damage Bond restored to its full original amount under Section 1.12 (B) and pay for any additional costs and fees the Town shall have incurred. After all costs and fees have been reimbursed to the Town the stop work order shall be lifted and work may commence.

1.13) OCCUPANCY CERTIFICATES. No new building as defined in section 1.3 shall be occupied prior to the issuance of a Certificate of Occupancy. If the property is occupied prior to a final inspection and a certificate of occupancy being issued, the Town shall retain the Road Damage Deposit as required under Sec. 1.11 (A) and the appropriate action shall be taken by the Town to gain compliance. Any costs

incurred by the town for inspections, repairs, work or legal expenses shall be retained from the Road Damage Deposit. Any remaining funds shall be returned. Any costs to the Town above the Road Damage Deposit shall be billed to the property owner or become a lien against the property per State Statute. If all requirements of the Town have been complied with at the time the occupancy permit is issued, the Town shall refund the Road Damage Deposit.

1.14) UNSAFE BUILDINGS OR STRUCTURES

A.) Razing order. Whenever the Town Board finds any building, structures, plumbing, electrical, or HVAC system, or part thereof to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use such that it would be unreasonable to repair the same, it may order the owner to raze and remove such building structure, plumbing, electrical, HVAC system, or part thereof, or, if it can be made safe by repairs, to repair same so as to make it safe and sanitary, or to raze and remove at the owner's option. Such Order proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

B.) When alterations or moving not permitted. When any existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Ordinance, and has deteriorated from any cause whatsoever to an extent greater than 50% of the assessed value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter razed and all resulting debris shall be removed from the premises.

C.) Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength. Any failing within the building or structure shall be considered a menace to public safety and the building or structure shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Ordinance are complied with.

D.) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

1.15) REGULATIONS FOR MOVING BUILDINGS OR STRUCTURES

A.) GENERAL. No person shall move any building or structure into or out of or upon any of the public rights-of-way of the Town without first obtaining a Moving Permit from the Building Inspector and payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building or structure shall designate the route to be taken, the conditions to be complied with and shall limit the time during which moving operations occur.

B.) MOVING DAMAGED BUILDINGS OR STRUCTURES. No building or structure shall be moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections) to the extent of fifty (50) percent or more of its equalized value.

C.) CONTINUOUS MOVEMENT. The movement of buildings or structures shall be a continuous operation until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building or structure shall be allowed to remain overnight upon any Town road, crossing or intersection, so as to prevent easy passage. Lighted lanterns shall be kept in conspicuous places at each end of the building or structure during the night.

D.) STREET REPAIR. Every person receiving a permit to move a building or structure shall within one day after the building or structure reaches its destination report the fact to the Building Inspector who shall thereupon, in the company of the municipal highway commissioner, inspect the streets and highways over which the building has been moved and ascertain their condition. If the moving of the building or structure has caused any damage to any street or highway, the person to whom the permit was issued shall place them in good repair as they were before the permit was granted. On the failure of the permit holder to do so within ten (10) days thereafter to the satisfaction of the governing body, the Town shall repair the damage done to such streets and hold the person obtaining the permit and the sureties on their bond responsible for the payment of all repairs.

E.) CONFORMANCE WITH ORDINANCES. All Residential structures moved into or within the Town will be deemed new structures.

F.) BOND

(1.) Before a permit is issued to move any building or structure into or out of or over any public way in the Town, the party applying for the moving permit therefore shall give a bond to the Town in a sum to be fixed by the Town Board and Town attorney which shall not be less than Five Thousand Dollars (\$5000.00). The bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Town in connection with the removal, moving or cleanup cost for abandonment of the building for which the moving permit is issued. The bond shall be maintained for a minimum of one year or such other time as specified by the Town Board.

(2.) If the Building Inspector, upon inspection finds that the excavation exposed by the removal of the building or structure from a site within the Town from its foundation

shall not be a nuisance or public health and safety hazard, permanent site stabilization may take place within 30 days.

G.) INSURANCE. The Town shall require, by the party applying for the moving permit, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident in a sum not less than One Million Dollars

H.) APPROVALS. Upon receipt of the building plan, site plan, sanitary permit, bond receipt, and proof of insurance, the building inspector shall issue the building permit. This will allow for a moving permit to be issued.

1.16) TEMPORARY RESIDENTIAL USE

Only 1 residential structure is permitted on a single lot or parcel of land within the Town. Where an existing residential building or structure is being removed or razed after a new residential building or structure is constructed, all work related to the existing and new buildings or structures shall conform to this Section. If a temporary building or structure is moved onto a lot or parcel while the new residential building or structure is constructed. Sec. 1.15 for moving of structures within or into the Town shall apply. The Town may permit 2 structures temporarily after the following criteria have been met.

A.) A letter of intent addressing the following:

- (1.)** Starting and completion date
- (2.)** Copy of the Sanitary Permit
- (3.)** How the site will be stabilized after removal of the existing structure
- (4.)** A survey showing the existing structure and the proposed new structure location
- (5.)** Date second structure will be removed.

B.) If the above items of Sections 1.14, 1.15 and 1.16 have been met, the building inspector shall issue the permits.

C.) Construction Damage Deposit

The Construction damage deposit established by Town Board fee schedule resolution and per Section 1.12 shall be held until the second residential building or structure is removed. The residential building or structure shall be removed within 90 days of the date of the Occupancy Permit being issued for the new structure. If additional time is needed for the removal of the residential building or structure a written request must be submitted to the Town Board for approval with the reason why additional time is needed with a final completion date approved by the Town Board.

1.17) PENALTIES

The enforcement of this Ordinance and all other laws relating to building shall be by means of

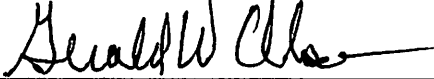
stop work or cease and desist orders, withholding or revocation of building permits, imposition of forfeitures and/or injunctive action. Any person found guilty of a violation of this ordinance shall pay a forfeiture of \$500, plus costs. Each day a violation occurs or continues shall be deemed a separate offense.

1.18) NON-ASSUMPTION OF LIABILITY

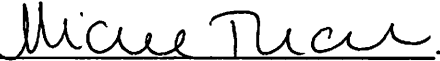
This Ordinance shall not be construed as an assumption of any liability on the part of the Town or any official for damages to anyone injured, for any property destroyed by any defect in any building, equipment or in any plumbing or electrical wiring.

1.19) EFFECTIVE DATE. This ordinance shall replace Ordinance and be effective July 30, 2020 upon passage and publication as provided by law.

Adopted by the Town Board this 23rd day of July, 2020.



Board Chairperson

Attest: 
Published: 7/30/2020