

CHAPTER 14
Building and Mechanical Code

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14.01 General Provisions.

- (1) Title. This chapter shall be known as the “Building Code of the City of Wisconsin Dells” and is referred to in this Chapter as “this Code,” “this Chapter” or “this Ordinance”.
- (2) Authority. This chapter is adopted under the authority granted, without limitation, by Wis. Stat. Secs. 62.17, 66.0103, 66.0413, 66.0435, 66.1019, 101.12, 101.65, 101.76 and 101.86, as may be amended from time to time.
- (3) Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; and, regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using the buildings and the general public.
- (4) Scope. This chapter applied to the construction, addition, enlargement,

alteration, modification, improvement, conversion, repair, demolition, relocation, or change of use of new or existing residential, commercial, agricultural, recreational or related accessory buildings and structures with the City of Wisconsin Dells (the "City"). In addition, this chapter applies to any structural changes; changes to mechanical systems, including plumbing, electrical and heating, air conditioning and ventilation; and, restoration or repair of an installation to its previous code-compliant condition, as determined by the City.

- (5) New Buildings. The construction requirements of this Chapter shall apply to one and two-family dwellings, to their accessory structures, and to parts thereof, which are hereafter erected. This Chapter shall also apply to public buildings and places of employment pursuant to Wis. Admin. Code sec. 361.02.
- (6) Existing Buildings. This Chapter shall also apply to buildings and conditions described in this Section:
 - (a) An existing building to be occupied as a one or two-family dwelling, which building was nor previously so occupied.
 - (b) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure. The value to be determined by the building inspector, in consultation with the city assessor.
 - (c) Additions and alterations, regardless of cost, made to an existing building, when deemed necessary in the opinion of the building inspector, shall comply with the requirements of this Code for new buildings.
 - (d) Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable sections of this Chapter.
 - (e) Any addition or alteration, regardless of cost, made to a building, shall be made in conformity with applicable sections of this Chapter.
- (7) Exclusions of Manufactured Homes. This Chapter shall not apply to manufactured homes [defined as a structure, transportable in one or more sections, which, in traveling mode, is eight (8) body feet more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein] manufactured in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq) as approved and administered by the United States Department of Housing and Urban Development (HUD).

14.02 State Codes Adopted.

The following provisions of the Wisconsin Administrative Code, as amended, are adopted and incorporated by reference:

- (1) Flammable, Combustible and Hazardous Liquids, Ch. SPS 310
- (2) Electrical Code, Ch. SPS 316.
- (3) Uniform Dwelling Code, Chs. SPS 320-325.
- (4) Smoke Detectors and Carbon Monoxide Detectors, Ch. SPS 328.
- (5) Heating, Ventilating and Air Conditioning Code, Ch. SPS 364.
- (6) Existing Building Code, Ch. SPS 366.
- (7) Commercial Building Code, Chs. SPS 361-366.
- (8) Historic Buildings, Chs. SPS 375-379.
- ~~(9) Existing Buildings, Chs. SPS 366.~~
- (10) Plumbing Code, Chs. SPS 381-387.

14.03 Administration.

- (1) This Code and other relevant state and local laws rules and regulations, shall be administered and enforced by the City building inspector or persons appointed or designated.
- (2) The building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work, or any other permits which may be required. No person shall interfere with or refuse to permit access to any such premises.
- (3) The building inspector shall perform all administrative tasks required by City or state laws, rules and regulations regarding public health, safety and welfare pertaining to this chapter, including but not limited to the following:
 - (a) Administer and enforce the provisions of this chapter.
 - (b) Maintain records of all permits issued, inspections made, work approved

- and other official actions taken.
- (c) Investigate all complaints made and violations found relating to the location, removal, construction or reconstruction of all structures or portions thereof.
 - (d) Assist the City Attorney in the prosecution of violations of this chapter.
 - (e) Permitted access to the properties and structures during reasonable business hours to make those inspections as deemed necessary to ensure compliance with this chapter; and, if necessary, procure a special inspection warrant.
 - (f) Prohibit the construction of any structures or modifications to any structures until the proper permits have been first applied for and issued by the City.
- (4) Under the direction of the building inspector, the City shall employ or contract with State certified inspectors for the inspection and implementation of this chapter. Nothing in this chapter, however, shall preclude the City from hiring or training persons to become fully certified for the building inspector positions. Inspectors shall have the authority to complete inspections for the following areas in which they are certified:
- (a) Single family and two family residential inspectors shall be certified as:
 - 1. Certified Uniform Dwelling Code - construction inspector.
 - 2. Certified Uniform Dwelling Code - electrical inspector.
 - 3. Certified Uniform Dwelling Code - HVAC inspector.
 - 4. Certified Uniform Dwelling Code - plumbing inspector.
 - (b) Commercial inspectors shall be certified as:
 - 1. Commercial building inspector, which includes commercial HVAC.
 - 2. Commercial electrical inspector.
 - 3. Certified Plumbing Inspector.

14.04 Permits.

- (1) General Requirement. No person shall perform or authorize the performance of building, heating, ventilating, air conditioning, plumbing, electrical or fire protection, whether initial or new construction or remodeling, alteration, additions or replacement, unless the required permit or license is issued by the building inspector.

- (3) Application. Application for a permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land, and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the contractor, the use to which said building is to be put, and such other information as the building inspector may require.

- (3) Plans. With the application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to the adjoining roads, highways, streets, alleys, lot lines and buildings, and public and private utilities. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.

- (4) Approval of plans. If the building inspector determines that a building will comply in every respect with all the ordinances of the City and applicable laws and administrative rules, a building permit shall be issued which shall state the use to which said building is to be put. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building
or occupants, except with the written consent of the building inspector. If adequate plans are presented for part of the building only, the building inspector may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (5) Grades. No work shall commenced until the proper grades have been reviewed ~~by the city engineer~~, including the grade for sidewalks, streets, sewer and general construction.

- (6) Posting of Permit. The permit shall be posted on the building site in plain view.

- (7) Fees.
 - (1) Fees for permits and inspections shall be established and made part of the city fee schedule.

 - (2) All permit fees shall be doubled if work commences before the required permits are obtained, and the proper fees are paid. The fees shall be doubled for each violation and every day a violation occurs or continues

shall constitute a separate offense.

(8) Waiver of Plans-Minor Repairs.

- (1) Plan Waiver. If the building inspector finds that the character of the work is sufficiently described in the application, the filing of plans for alterations, repairs or moving, may be waived.
- (2) Minor Repairs. The building inspector may authorize minor repairs or maintenance work on any structure or to electrical, heating, ventilating or air conditioning systems installed therein, valued at less than one thousand dollars (\$1,000.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(9) Lapsing Permit. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within one year, from the date of issuance thereof.

(10) Stop Order. If the building inspector shall find at any time that applicable ordinances, laws, orders, administrative rules, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him, the building inspector she revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as a building inspector may order to be done as a condition precedent to the re-issuance of the permit as may be required for the safety, welfare protecting public.

(11) Report of Violations. The police or other City officers shall report at once to the building inspector any building which is being carried on without a permit required by this chapter.

14.05 Alterations and Repairs.

The following provisions shall apply to buildings altered or repaired:

(1) Alterations. Existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use, and given type

of construction, when alterations are made to an existing building or structure, accommodating a legal occupancy and use but of substandard construction, which involves any or all of the following: beams, girders, columns, bearing, or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, or changes in locations of exit stairways or exits.

- (2) 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 or use, shall be deemed minor repairs.
- (3) Alterations when not permitted. Alterations or moving a building or structure shall not be permitted when an existing building or structure does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure. Such a building or structure shall be considered a hazard to public safety and welfare and shall be ordered vacated thereafter may be ordered razed or removed.
- (4) Alterations and repairs required. When any of the structural components of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of the building or structure shall cause such structural components to be restored to their required strength; failing in which the building or structure shall be considered a hazard to public safety and shall be vacated and thereafter no further occupancy or use shall be permitted until the regulations of this chapter are satisfied.

14.06 Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector.

14.07 Inspection and Occupancy Permit.

- (1) The owner or agent shall notify the building inspector when ready and the building inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, the building inspector shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If the building inspector finds that the work conforms to the provisions of this code, a certificate of occupancy shall be issued which shall contain the date and result of such inspection, a duplicate of which shall be filed in the office of the building inspector.

- (2) If the building inspector determines that a building has been constructed in accordance with all applicable codes, the inspector shall issue an occupancy permit. If the building fails to comply with any applicable code in a minor respect which does not threaten the safety, health or welfare of the building's occupants, the building inspector may issue a temporary occupancy permit for thirty (30) days or other specified term. No person may have occupancy of a building until an occupancy permit is issued.

14.08 New Methods and Materials.

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be used until approved in writing by the state Department of Safety and Professional Services. Such materials, methods of construction and devices when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the state Department of Safety and Professional Services. The date, tests and other evidence necessary to prove the merits of such materials, method of construction or device shall be determined by the State Department of Safety and Professional Services.

14.09 Disclaimer on Inspections.

The purpose of the inspections under this chapter is to improve the quality of construction and structures in the city. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection are intended to report conditions or noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

14.10 Unsafe Buildings.

- (1) It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Chapter have been complied with.
- (2) Whenever the Common Council, upon the inspection and report of the building inspector, finds any building or part hereof within the City to be, in its judgment,

so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stat. Sec. 66.0413.

- (3) When the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary and shall cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

14.11 Moving Buildings.

- (1) General Requirements.

- (a) No person shall move any building or structure upon any public way of the City without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

- (b) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.

- (2) Continuous Movement. The movement of buildings shall be a continuous operation during all hours of the day and at night until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall remain overnight upon any street crossing or intersection or to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places and east end of the building during the night.

- (3) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report to the Building Inspector, who shall inspect the streets, highways and curbs and gutters over which the building has been moved and ascertain their condition. If the removal

of said building 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 said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of the same.

- (4) Conformance with Code. No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the building inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Codes. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

- (5) Bond.

(a) Before a permit is issued to move any building over any public way in the City, the party applying therefore shall give a bond to the City in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the City Attorney or designated agent conditioned upon, among other things, the indemnification to the City 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 costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall be not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the following into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling

in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (6) Insurance. The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering personal injury and property damage in an amount of not less than One Million Dollars (\$1,000,000.00) from an insurance company licensed to do business in the State of Wisconsin.
- (7) Permit Fees. The City shall establish a building moving fee in the City fee schedule.

14.12 Reserved.

14.13 Enforcement and Appeals.

- (1) Violations and Penalties.
 - (a) Prohibitions. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this chapter.
 - (b) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand (\$1,000.00) for each day of non-compliance, together with the costs of prosecution.
 - (c) Violations discovered by the building inspector shall be corrected within thirty (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.
 - (d) Compliance with the requirements of this title is necessary to promote the safety, health and well-being of the community of the owners, occupants and frequenters of buildings. Violations of this title shall constitute a public nuisance that may be enjoined in a civil action.
- (2) 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 board of zoning appeals pursuant to Section 14.10 (3). The stop-work order shall remain in full force and effect until the board of zoning appeals has issued its determination. The appellant shall have the burden of proof at the board of zoning appeals.

(3) Appeals.

- (a) Boarding of Zoning Appeals. The board of zoning appeals created pursuant to the city zoning ordinance pursuant to Wis. Stat. Sec. 62.23(7)(e).
1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the city building inspector in administering this title;
 2. Upon appeal, may authorize variances from the provisions of this title which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (b) Who May Appeal. Appeals to the board of zoning appeals may be taken by any aggrieved person affected by any decision of the city building inspector.

REVISION TO CHAPTER 14

A-789 Repealed and recreated Chapter 14.