

ORDINANCE TO ESTABLISH A ONE AND TWO FAMILY
DWELLING BUILDING CODE FOR THE TOWN OF LAFAYETTE, WISCONSIN

ORDINANCE NO.

The Town Board of the Town of Lafayette, Chippewa County, Wisconsin, does hereby ordain as follows:

SECTION 1. APPLICATION OF PROVISIONS.

- (1) TITLE. The ordinance shall be known as the one and two-family dwelling code of the Town of LaFayette.
- (2) PURPOSE. The purpose and intent of this ordinance it to:
Exercise jurisdiction over the construction and inspection of new one and two-family dwellings and additions to existing one and two-family dwellings;
 - a) Provide plan review and on-site inspection of one and two-family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations;
 - b) Establish and collect fees to defray administrative and enforcement costs;
 - c) Establish remedies and penalties for violations; and
 - d) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Industry, Labor and Human Relations.

SECTION 2. STATE UNIFORM DWELLING CODE ADOPTED.

The administrative code provisions describing and defining regulations with respect to one and two-family dwellings in chapters 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the administrative code provisions, incorporated herein are intended to be made part of this ordinance to secure uniform statewide regulation of one and two-family dwelling this town of the State of Wisconsin. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Clerk's office.

SECTION 3. DEFINITIONS.

- (1) ADDITION. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the building.
- (2) ALTERATION. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) CERTIFIED INSPECTOR. In the context of this ordinance, the terms "Certified Inspector" and "Building Inspector" shall be deemed to be synonymous and interchangeable.
- (4) CUBIC CONTENTS. "Cubic contents" means that volume of dwelling enclosed by the outer surface of exterior walls from the top of the footing to the roof.

(5) DEPARTMENT. "Department" means the Department of Industry, Labor and Human Relations.

(6) DWELLING. "Dwelling" means;
a) any building, the initial construction of which is commenced on or after the effective date of this ordinance which contains one or two dwelling units, or
b) an existing structure, or that part of an existing structure which is used or intended to be used as a one or two-family dwelling.

(7) MINOR REPAIR. "Minor repair" means repair performed for maintenance or replacement purposed on any existing one or two-family dwelling which does 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 does not increase a given occupancy or use. No building permit is required for work to be performed which is deemed minor repairs.

(8) ONE- OR TWO-FAMILY DWELLING. "A one or two-family dwelling" means a building, structure which contains one or separate households intended to be used as a home, residence, or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

(9) PERSON. "Person" means an individual, partnership, firm or corporation.

(10) UNIFORM DWELLING CODE. "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions, or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- Wis. Adm. Code Chapter Ind. 20 -Administration and Enforcement
- Wis. Adm. Code Chapter Ind. 21 -Construction Standards
- Wis. Adm. Code Chapter Ind. 22 -Energy Conservation Standards
- Wis. Adm. Code Chapter Ind. 23 -Heating, Ventilation & Air Condition Standards
- Wis. Adm. Code Chapter Ind. 24 - Plumbing & Potable Water Standards

SECTION 4. METHOD OF ENFORCEMENT. For the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code, the Town shall contract with a certified individual inspector.

SECTION 5. ENFORCEMENT CONTRACT.

(1) CONTRACT. The Town shall contract with an individual who is certified by the department in each category specified under Sec. 26.06, Wisconsin Administrative Code, and by the Department of Health and Social Services in the category of plumbing. The Town Clerk shall forward all building permit applications and submitted plans to the certified inspector with who the Town had contracted.

(2) POWERS. The certified inspector or his/her authorized agent may at all reasonable hours enter upon any public or private premises within the town for inspection purposed and 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 a certified inspector while in the performance of his/her duties.

(3) RECORDS. The Town Clerk shall perform all the administrative tasks required by the department.

SECTION 6. BUILDING PERMITS.

(1) BUILDING PERMITS REQUIRED. No one or two-family dwelling of which initial construction shall be commenced after June 2, 1980, shall be built, enlarged, altered, or repaired unless a building permit for that work shall be first obtained by the owner, or his agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department of Industry, Labor and Human Relations.

(2) REPAIRS AND ADDITIONS REQUIRING PERMIT. No alteration, addition, or repair to an existing one or two-family dwelling not deemed minor repair work by the building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Inspector.

(3) SUBMISSION OF PLANS. The applicant shall submit two (2) sets of plans for all new or repairs or additions to existing one and two-family dwellings at the time that the building permit application is filed.

(4) ISSUANCE OF PERMIT. If the Building Inspector finds that the proposed building or repair or addition complies with all town ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Town Clerk.

SECTION 7. FEES FOR BUILDING PERMITS AND INSPECTIONS.

Per Town of LaFayette Ordinance #88-904, Ordinance Relating to Issuance of Citations for Violations of Town Ordinances.

SECTION 7. VIOLATION AND PENALTIES.

(1) No person shall arrest, use, occupy or maintain any one or two-family dwelling in violation of any provision of this ordinance or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of this ordinance shall, upon conviction, be subject to a forfeiture of not less than Twenty Five and 00/100 (\$ 25.00) Dollars nor more than Five Hundred and 00/100 (\$ 500.00) Dollars, together with the costs of prosecution and , if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day nor more than six (6) months or until such forfeiture and costs are paid.

(2) If an inspection reveals a noncompliance with this ordinance or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Sec. Ind. 20.10 (1) (C), Wis. Adm. Code.

(3) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

(4) Each day each violation continues after the 30 day written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the Uniform Dwelling Code.

(5) If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

SECTION 9. APPEAL TO TOWN BOARD. Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination of the Town Board.

SECTION 10. LIABILITY FOR DAMAGES. This ordinance shall not be construed as an assumption of liability by the town for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

SECTION 11. SEVERABILITY. If any section, clause, provision or portion of this ordinance or of Chapters Ind. 20, 21, 23, 24 and 25, Wisconsin Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SECTION 12. EFFECTIVE DATE. This ordinance shall be effective upon passage and publication as provided by law.

DATED: _____, _____.

Town Chairman

Town Supervisor

Town Supervisor

Town Supervisor

Town Supervisor

Dated and signed this _____ day of _____, _____.

I hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of LaFayette, Chippewa County, Wisconsin, at a legal meeting on this _____ day of _____, 20____ and was posted in three (3) Posting Places in the Town of LaFayette most likely to be given public on this _____ day of _____, 20____.

Sandra Harvey, Town Clerk