

**CHAPTER 14     BUILDING PERMITS, BUILDING INSPECTOR, AND  
BUILDING CODES**

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**14.01            INTRODUCTION AND PURPOSE:**

(1) AUTHORITY.     These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

(2) PURPOSE.     The purpose of this Chapter 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 other Wisconsin Building Codes.

(3) SCOPE.     New buildings hereafter erected in, any building hereafter altered, modified, enlarged, demolished, moved within, or into, the Village, or as otherwise reasonable intended to be covered by the language found in this Chapter or other related Village ordinances, shall conform to all the requirements of this Chapter, except as they are herein specifically exempted from part or all of it's provisions.

**14.02            ADOPTION OF BUILDING CODES:**

(1) WISCONSIN UNIFORM DWELLING CODE ADOPTED.     The Wisconsin Uniform Dwelling Code, § SPS 320-325 and § SPS 327, and their successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference.

(2) ADOPTION OF OTHER STATE CODES.     The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Village and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

(3) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter.

#### **14.03 DEFINITIONS:**

As used in this Chapter, the following terms shall have the meanings indicated:

- 1) ADDITION. Any new construction performed on a building which increases the outside dimensions of the building.
- 2) ALTERATION. A change or modification other than a minor repair to a building or minor repair to systems involved within a building.
- 3) DEPARTMENT. The Wisconsin Department of Safety and Professional Services.
- 4) DWELLING. Any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units; or 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.
- 5) MINOR REPAIR. Repair performed for maintenance or replacement purposes on any existing building 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 and use.
- 6) ONE OR TWO-FAMILY DWELLING. 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.

7) PERSON. An individual, partnership, firm, or corporation.

8) VILLAGE BOARD. The Village Board of the Village of North Freedom.

#### **14.04 BUILDING INSPECTOR:**

(1) There is hereby created the position of Building Inspector, who shall administer and enforce this Chapter and shall be certified by the Department of Safety and Professional Services, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

(2) The Village may hire an individual or firm to act as its Building Inspector. The initial Building Inspector for the Village upon passage of this Chapter shall be General Engineering Company. The Village may change who its Building Inspector is by Resolution.

(3) 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 heat 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.

(4) The Building Inspector(s) shall keep a log of all inspections completed.

#### **14.05 BUILDING PERMIT REQUIRED:**

(1) No building of which initial construction shall be commenced after the effective date of this Chapter shall be built, enlarged, altered, demolished, moved, or repaired unless a building permit for that work shall be first obtained by the owner or his agent. Application for a building permit or other

permit hereunder shall be made in writing on the form provided by the Building Inspector. The term "building permit" shall include construction permits, electrical permits, heating, ventilating, and air-conditioning (HVAC) permits, moving permits, demolition permits, and plumbing permits.

(2) No addition, alteration, or repair to an existing building, which is not deemed minor repair by the Building Inspector, shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent.

(3) The construction which shall require a building permit includes, but is not limited to:

A) New 1 & 2 family residential buildings, commercial buildings including agricultural buildings, detached structures (decks), and detached accessory buildings.

B) Additions which increase the physical dimensions of any building, including decks.

C) Alterations to any building's structure, or alterations to the building's HVAC, electrical, or plumbing systems.

D) Replacement or addition of major building equipment including furnaces, central air conditioners, water heaters, and any other major piece of equipment, except as noted by the Building Inspector.

E) Any electrical wiring for new construction or remodeling, excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.

F) Any HVAC for new commercial construction or remodeling.

G) Any plumbing for new commercial construction or remodeling.

H) Any new or re-wired electrical service for buildings, including services for agricultural buildings.

(4) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempt from permit requirements.

(5) Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempt from permit requirements.

(6) Miscellaneous. Other sections of this Chapter may require a permit not specifically listed in this Section.

**14.06 CERTIFIED MUNICIPALITY STATUS AND PLANS:**

(1) CERTIFIED MUNICIPALITY. The Village has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

(2) RESPONSIBILITIES. The Village shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

A) Provide permitting and inspection of commercial buildings with certified commercial building inspectors.

B) Provide plan examination of commercial buildings with certified commercial building inspectors.

3) PLAN EXAMINATION. Drawings, specifications, and calculations for all the types of commercial 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:

A) All commercial buildings, without size limitations [Appointed Agent per Wis. Stat. 101.12(3g)].

B) 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.

C) 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.

(4) PLAN SUBMISSION PROCEDURES. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

A) Building permit application

B) Application for review - SBD-118

i. Fees per Table SPS 302.31-2 and SPS 302.31

ii. Fees apply to all commercial projects

C) Four sets of plans

i. Signed and sealed per SPS 361.31

ii. One set of specifications

iii. Component and system plans

iv. Calculations showing code compliance

**14.07 MOVING OF BUILDINGS AND STRUCTURES:**

(1) PERMIT. A permit is required to move a building in the Village of North Freedom. Every application for a permit to move a building shall set forth in detail, a description of the construction at the present time, its use and location, the new location, and any existing building thereon, the substructure that is to be placed upon, the use intended in the future, and the route to be traversed in the moving process. Buildings moved into the Village shall meet all applicable zoning and building regulations for the site to which it will be located. Zoning and building permits for structures moved into the Village will be required.

(2) BOND. A bond is required to move a building in the Village of North Freedom. The applicant shall file with the application, a bond in the sum of five thousand dollars (\$5,000.00) payable to the Village of North Freedom, with good and sufficient sureties to be approved by the Village President and the Village Attorney, conditioned to save and keep the Village harmless from all liability, and will indemnify the Village against any and all judgments, claims, or every nature whatsoever, costs and expenses resulting from the moving of said proposed building. In lieu of, or in addition to, the bond referred to herein, the Village President and the Village Attorney may require a policy of liability insurance naming the Village as additional insured, in an aggregate amount not less than one million dollars (\$1,000,000.00).

(3) PROTECTION OF PROPERTY WHILE MOVING BUILDING. The moving, or removal, of a building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant. Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from thirty (30) minutes before sunset to thirty (30) minutes after sunrise.

(4) TREE TRIMMING. If the movement of the building over the Village streets and/or alleys requires the trimming of trees, the same shall be done by a business or individual who is regularly engaged in such service and is pre-approved by the

Director of Public Works. It shall be the responsibility of said business or individual to clean all trimming debris and replace any trees substantially damaged during the move. On the failure of this business or individual to do so to the satisfaction of the Director of Public Works within ten (10) business days after said move, the Village will clean up and/or replace such trees if necessary and hold the person obtaining the permit, and the bond, responsible for the payment of such expenses.

(5) PROTECTION OF STREETS AND IMPROVEMENTS. 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 notify the Village Engineer. The Village Engineer shall thereupon inspect the streets over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets, the building mover shall forthwith place them in as good repair as they were before the permit was granted. Upon the failure of the permit holder to repair such damage within ten (10) days thereafter to the satisfaction of the Village Engineer, the Village Engineer shall repair the damage done to such streets and hold the applicant, and/or the sureties on the bond given by the permit holder, responsible for the payment of the same.

#### **14.08 DEMOLITION OF BUILDINGS AND STRUCTURES:**

(1) PERMIT REQUIRED. No person, firm, or corporation, agent or servant shall demolish or cause to be demolished any building, structure, or part thereof, without applying for and obtaining a permit from the Building Inspector.

(2) PROCESS TO BE USED. All demolitions, including demolitions of single-family dwellings, shall comply with applicable National Emissions Standards for Hazardous Air Pollutants relating to asbestos promulgated by the United States Department of Environmental Protection and Wisconsin Department of Natural Resources. Whenever a building shall be demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun. No material shall be placed to overload any part of such building in the course of demolition. All brick, stone, timbers, and structural parts of each story shall be lowered to the ground immediately upon displacement. All dry mortar, lime, brick dust or other flying material shall, before and during removal, be dampened sufficiently to prevent it from floating or being blown into

the street or on adjoining property. All sidewalks shall be protected by fences and scaffolds as required by the ordinances of the Village relating to the protection of the sidewalks during the erection of buildings. Protective fencing, approved by the Building Inspector shall be used at all times for the protection of the public.

(3) GRADING. The building site of any building hereafter demolished, shall be cleared of all debris and rubbish, and shall be properly filled, graded, leveled off, and seeded, so as not to spoil the appearance of the surrounding area.

(4) TIMELINE. The demolition and grading shall be completed within ninety (90) days after issuance of the permit unless said time is extended by the Village Board.

#### **14.09 PRIVATE SWIMMING POOLS:**

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the following regulations:

(1) DEFINITION. "Swimming pool" means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

(2) FENCES AND COVERS. All swimming pools not enclosed within a permanent building shall comply with one or both of the following:

(i) Be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than 4 feet in height and so constructed as not to have voids, holes or openings larger than 4 inches in one dimension. Gates or doors shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in actual use. Above-ground pools with self-provided fencing to prevent unguarded entry shall be permitted without separate additional fencing, provided the self-provided fence is of the minimum height and design as herein specified. Permanent access from grade to above-ground pools having stationary ladders, stairs or ramps shall have safeguard fencing and gates equivalent to those required herein, subject to all other applicable ordinances and subject to the following:

1. No fence shall be located, erected, constructed or maintained closer than 3 feet to a pool.

2. The wall of the house or building facing a pool maybe incorporated as a portion of such fence.

(ii) While not in immediate use, be covered and remain covered by a pool safety cover that meets the standards of ASTM F1346-91(2018), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs, ASTM International.

(3) PORTABLE POOLS. Portable pools over one foot in depth must be fenced as provided in sub.(2) above, or be drained or covered after each day's use in such a manner as to provide public safety.

(4) ELECTRICAL REQUIREMENTS. Any and all electrical installations with relation to swimming pools shall be governed by the Village Building Code and may require separate permits as determined by the Village Building Inspector.

(a) If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

(5) OPERATION OF POOL. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

(6) EXISTING POOLS. All swimming pools existing at or before the passage of this section shall comply with the fencing requirements in sub.(2) before water is placed in the pool.

#### **14.10 PERMIT FEES:**

(1) PERMIT FEES. The permit fees under this Chapter shall be determined by Village Resolution and shall include the applicable fee per Ch. SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Admin. Code § SPS 327.09 and inspection fees as outlined within Wis. Admin. Code § 327.10(3) will also be included in this resolution.

#### **14.11 ISSUANCE OF PERMITS:**

(1) ISSUANCE OF PERMIT. If the Building Inspector finds that the proposed building, repair, addition, or other applicable request for permit under this Chapter, complies with all applicable provisions of the Wisconsin Administrative Code, Wisconsin State Statutes, and the ordinances of the Village, including this Chapter, then the Building Inspector shall approve the application, and a building permit shall be issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site, and a copy thereof shall be kept on file with the Building Inspector. After being approved, no building plans shall be altered in any respect which involves any the applicable provisions of the Wisconsin Administrative Code or the ordinances of the Village, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

(2) TIMELINE: A building permit, other than Wisconsin Uniform Building Permits and electrical permits shall lapse and be void unless building operations commence within six (6) months and if construction has not been completed within eighteen (18) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5. Electrical permits shall expire twelve (12) months after issuance after the date of issuance, if installation of the electrical wiring has not commenced in accordance with Wis. Admin. Code SPS 316.012(3)(b).

#### **14.12 VIOLATIONS AND PENALTIES:**

(1) No person shall erect, use, occupy, or maintain any building in violation of any provisions of this Chapter or the Wisconsin Administrative Codes adopted, or cause or permit any such violation to be committed. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.

(2) If an inspection reveals noncompliance with this chapter or the Wisconsin Administrative Codes adopted, 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 by the Building Inspector

pursuant to any applicable provisions of the Wisconsin Administrative Codes adopted.

(3) If, after a 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 thirty-day written notice period has run, shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter, or the Wisconsin Administrative Codes adopted.

(5) If any construction or work governed by the provisions of this Chapter, or the Wisconsin Administrative Codes adopted, is commenced prior to the issuance of a permit, triple fees shall be charged.

(6) The penalties and remedies provided in this section shall be in addition to any other penalties and remedies provided and available to either the Village of North Freedom or the State of Wisconsin under the Wisconsin Administrative Codes adopted, or other applicable provisions by law.

#### **14.13 APPEALS:**

(1) Any person feeling aggrieved by an order or determination of the Building Inspector or the Village Board, may appeal from such order or determination to the Zoning Board of Appeals. Those procedures set forth in Chapter 16 of the Code of Ordinances for the Village of North Freedom regarding Zoning Board of Appeals shall apply.