

TOWN OF LEBANON, DODGE COUNTY, WISCONSIN

ORDINANCE 8 ADOPTION OF UNIFORM DWELLING CODE

CHAPTERS:

8.01 Adoption of Uniform Dwelling Code

Chapter 8.01

ADOPTION OF UNIFORM DWELLING CODE

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SECTION 8.01.010 – TITLE

This Chapter shall be known as the “Building Code of the Town of Lebanon” and shall be referred to in this chapter as “this code”.

SECTION 8.01.020 – PURPOSE

This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in 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 such buildings, and the general public.

SECTION 8.01.030 – SCOPE

- A. New buildings hereafter erected in, or any building hereafter moved within or into, the Town shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and in no way supersede or nullify such laws.

SECTION 8.01.040 – STATE CODES ADOPTED

- A. Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code. The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning (HVAC) Code SPS 361-366 and all amendments thereto are hereby made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply. A copy of said codes is on file in the office of the Building Inspector.
- B. Wisconsin Uniform Dwelling Code. The Wisconsin Uniform Dwelling Code, SPS 320-325 and SPS 327 for camping units and all amendments thereto are hereby made a part of this chapter by reference and shall apply to all new and existing one- and two- family dwellings and all alterations and additions thereto. A copy of said code is on file in the office of the Building Inspector.
- C. Wisconsin Electrical Code. The Wisconsin Electrical Code, SPS 316 in its entirety and all amendments thereto are hereby made a part of this chapter by reference and shall apply to all residential and commercial buildings and all alterations and additions thereto. A copy of said code is on file in the office of the Building Inspector.
- D. Wisconsin Plumbing Code. The Wisconsin Plumbing Code SPS 382 and all amendments thereto are hereby made a part of this chapter by reference with respect to those classes of buildings to which such provisions apply. A copy of said codes is on file in the office of the Building Inspector.

SECTION 8.01.045 – FOOT DRAIN TILE

- A. Bleeder Tile. Non-perforated tile, or equivalent, a minimum of three (3) inches in diameter, shall be embedded in concrete footings at all new buildings where any basement or usable crawl space, three (3) feet and greater, is proposed (and be spaced in said footing not to exceed eight (8) feet more or less apart). This tile, hereafter called bleeder tile, shall be placed in the footings between the main buildings and an attached section like a garage with the floor at grade, and around footings of existing building additions where a full depth basement is proposed. Bleeder tile openings, both inside and outside of footings shall be free of any debris and shall be covered with crushed stone or equivalent acceptable material to permit water to course freely to and through bleeder tile.
- B. Exterior Drain Tile. Perforated tile shall be installed around the outside perimeter of any basement wall, be placed on the footing and covered with a minimum of one (1) foot of crushed stone or similar acceptable material. In the event the tile cannot be placed on footings, it shall then be placed alongside the footing on not less than two (2) inches of stone or similar acceptable material and covered with not less than one (1) foot of like material.
- C. Interior Drain Tile. Perforated tile shall be placed alongside of the footing and upon not less than one (1) inch of crushed stone or similar acceptable material and covered with not less than one (1) inch of like material to allow the unobstructed flow of water into the tile. All tiles shall terminate in a clear water sump crock located a minimum of one (1) inch above the basement floor or to an approved gravity drainage system.
- D. Sheathing. Where clear sand is encountered or any type of soil that could cause an obstruction of the tile, the tile shall be wrapped with a porous nylon sheathing or similar acceptable material to preclude the entrance of granules into the drain tile.

- E. Exceptions. Drain tile requirements shall not apply in the following situations:
 - a. Buildings constructed with an “all weather wood foundation system” as per technical report #7, “Basic Requirements”, National Forest Products Association, Washington DC.
 - b. Additions to existing buildings where “crawl space only” is proposed.

SECTION 8.01.050 – BUILDING INSPECTOR

- A. Appointment/Contract. The Building Inspector shall be contracted by the Town Board.
- B. Qualifications.
 - a. The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable State and local building codes relating to the construction of buildings.
 - b. The Building Inspector shall be certified by the Wisconsin Department of Safety and Professional Services to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code and the Wisconsin Electrical Code.
- C. General Powers and Duties. This Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction and for that purpose may at all reasonable times enter buildings and premises. Building Inspector may pass upon any questions arising under the provisions of this chapter. No person shall interfere with the Building Inspector while in the performance of the duties prescribed in this chapter.
- D. Records. The Building Inspector shall keep a record of all applications for building permits, HVAC permits, Plumbing permits and Electrical permits and regularly number each permit in the order of issuance. Building Inspector shall keep a record showing the number, description and size of all buildings erected during the term of their office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. Building Inspector shall keep a record of all inspections made and of all removal and condemnation of buildings. Building inspector shall make an annual report to the Town Board on the above matters.
- E. Appeals. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may, within 20 days thereafter, appeal from such order or ruling to the Town Board. Such appeal shall be in writing and presented to the Town Clerk.

SECTION 8.01.060 – BUILDING PERMITS AND INSPECTIONS

- A. Permit Required. No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used withing the Town, except as herein provided, until a permit therefore shall first have been obtained by the owner, or their authorized agent, from the Building Inspector.
- B. Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector.
- C. Plans. With each 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 adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services, if necessary. 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. Plans for all new one- and two- family dwellings shall comply with the provisions of SPS 320-325.

- D. Plat of Survey Required. A plat of survey prepared by a registered land surveyor shall be submitted to the Building Inspector showing the location, boundaries, dimensions, elevations, uses and size of the following:
- a. The subject site.
 - b. The existing and proposed structures.
 - c. The existing and proposed easements, streets and other public ways.
 - d. Off-street parking, loading areas and driveways.
 - e. The existing highway access restrictions.
 - f. The existing and proposed street, side and rear yards.

In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 60 feet of the subject site. The Building Inspector may waive any portion or all of the requirements of this subsection.

- E. Approval of Plans. If the Building Inspector determines that the building will comply in every respect with all ordinance and orders of the Town and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the centerline of the adjacent street unless approval is given by the Building Inspector for a properly designed site plan which adequately addresses drainage and the effect of adjacent properties.
- F. Waiver of Plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- G. Grant or Denial of Permit. After the receipt of an application and plans required by this section, the Building Inspector shall grant or deny the application within 10 business days.
- H. Minor Repairs and Alterations. The Building Inspector may authorize minor repairs or alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilations of the building without requiring a building permit to be issued. Generally, the criteria will be that properties with no structural or exit change do not require permits if less than \$500 in value. However, electrical permits are required for any installation under SPS 316.012(1)(a) regardless of dollar value.
- I. Inspection of Work. The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Building Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and legal holidays, unless otherwise agreed upon between the permittee and the Building Inspector.

- J. Permit Lapses. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within 2 construction seasons, from the date of issuance thereof. In any event, all permits shall lapse 2 years from the date of issuance.
- K. Revocations. If the Building, HVAC, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, 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, he shall 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 the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.
- L. Report of Violations. The Police or other Town Officials shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

SECTION 8.01.070 – PERMIT FEES

The permit fees shall be as set forth by the Town Board by resolution from time to time.

SECTION 8.01.080 – UNSAFE BUILDINGS

Whenever the Building Inspector finds any buildings or part hereof within the Town to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Chapter 66.05 of Wisconsin Statutes. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the buildings or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Town in an action against the owner or tenant.

SECTION 8.01.090 – NON-ASSUMPTION OF LIABILITY

This chapter shall not be considered as assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

SECTION 8.01.100 – PENALTIES AND VIOLATIONS

Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter, shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in Chapter 1.08 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

SECTION 8.01.110 – SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8.01.120 – REPEAL OF INCONSISTENT ORDINANCES

All existing Town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 8.01.130 – EFFECTIVE DATE

This ordinance shall be effective the day after its proper posting.

Adopted by the Town Board this 8th day of April, 2021.



Lohny Fredrick, Town Chairman



Greg Fredrick, Supervisor #1



Brenda Buske, Supervisor #2



ATTEST: Deborah Behl, Clerk

Posted and Effective this 15th day of April, 2021.



Deborah Behl, Town Clerk