

ORDINANCE #1-2016
TOWN OF HOLLAND BUILDING CODE ORDINANCE

AN ORDINANCE REGULATING CONSTRUCTION, MODIFICATION OR DESTRUCTION
OF BUILDINGS AND STRUCTURES

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SECTION 1.0 GENERAL

1.02 Title

This Ordinance shall be known as, referred to, or cited as the Town of Holland Building Code Ordinance.

1.03 Purpose

This ordinance provides for certain minimum standards, provisions and requirements for safe and stable design, methods of construction and use of materials in buildings or structures hereafter constructed, enlarged, altered, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all buildings or structures, not covered by the state residential or commercial code.

1.04 Authority

The Town Board of the Town of Holland, La Crosse County, Wisconsin, has the specific authority under Wisconsin State Statutes 62.14, 62.17, 62.23, 66.0413, 101.01, 101.60, 101.66, 101.80 and 101.971.

1.05 Building inspector certification

Any building inspector retained or employed by the town board shall be certified as specified in Wis. Stats. 101.66(2).

SECTION 2.0 BUILDING CODES AND REGULATIONS

2.01 Scope and applicability

(A) No building or structure shall be constructed, installed, altered, repaired, or removed, nor shall the equipment of a building, structure or premises be constructed,

installed, altered, repaired or removed, except in conformity with this Code, and with orders of the inspector or other designated town official issued thereunder.

(B) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirement for the new use, as provided in this Code.

2.02 Uniform Dwelling Code adopted

Except as otherwise specifically herein provided the provisions of Wis. Admin. Code chapters SPS 320-325, commonly known as the uniform dwelling code, describing standards and inspection procedures for one- and two-family dwellings and manufactured buildings, detached accessory buildings and detached decks, are hereby adopted and incorporated herein by reference as though fully set forth. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 320 Administration and Enforcement

Wis. Admin. Code § SPS 321 Construction Standards

Wis. Admin. Code § SPS 322 Energy Conservation

Wis. Admin. Code § SPS 323 Heating, Ventilating & Air-Conditioning Standards

Wis. Admin. Code § SPS 324 Electrical Standards

Wis. Admin. Code § SPS 325 Plumbing Standards

(B) Any act which is required to be performed or is prohibited by the code adopted in this section is also required or prohibited by this section.

2.03 Commercial building standards adopted

(A) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chapters SPS 361-367 commonly known as the commercial building code, describing standards and inspection procedures for all commercial buildings are hereby adopted and incorporated herein by reference, as though fully set forth. Any future amendments, revisions, or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 361 Erosion Control, Sediment Control and Stormwater Management.

Wis. Admin. Code § SPS 362 Administration and Enforcement

Wis. Admin. Code § SPS 363 Buildings and Structures

Wis. Admin. Code § SPS 364 Energy Conservation

Wis. Admin. Code § SPS 365 Heating, Ventilating & Air-Conditioning Standards

Wis. Admin. Code § SPS 366 Fuel Gas Appliances

Wis. Admin. Code § SPS 367 Existing Buildings

(B) Any act which is required to be performed or is prohibited by the code adopted in this section is also required or prohibited by this section.

2.04 Plumbing code adopted

(A) Except as otherwise specifically provided herein, the provisions of Wis. Admin. Code chapters SPS 381-386, commonly known as the plumbing code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this chapter are also incorporated herein, and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 381 Definitions and Standards

Wis. Admin. Code § SPS 382 Design, Construction, Installation, Supervisions, Maintenance, and Inspection of Plumbing

Wis. Admin. Code § SPS 383 Private Onsite Wastewater Treatment Systems

Wis. Admin. Code § SPS 384 Plumbing Products

Wis. Admin. Code § SPS 385 Soil and Site Evaluations

Wis. Admin. Code § SPS 386 Boat and On-Shore Sewage Facilities

(B) Any act which is required to be performed or is prohibited by the code adopted in this chapter is also required or prohibited by this section.

2.05 Electrical code adopted

(A) Except as otherwise specifically herein provided the provisions of Wis. Admin. Code chapter SPS 316, commonly known as the electrical code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section.

(B) Any act which is required to be performed or is prohibited by the provisions of the adopted code is also required or prohibited by this section.

2.06 Garage construction required on dwellings

No building permit shall be issued for the construction of a one- or two-family dwelling, unless the construction includes a garage, not less than 220 square feet per dwelling unit. This provision shall apply to new construction, as well as existing dwellings that are moved to a new location.

2.07 Extensive alterations and repairs

(A) When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50 percent or more of the equalized value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this Code for new buildings. If the cost of such alterations or repairs is less than 50 percent of the equalized value of the buildings, the building inspector shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this Code.

(B) Roofed passageways when construction or repair work may endanger the traveling public, the owner or contractor shall erect roofed passageways extending over public thoroughfares at least six feet high, the roof of which shall be not less than a double thickness of two-inch thick lumber.

2.08 Zoning restrictions

(A) The restrictions of the La Crosse County Zoning and Shoreland Ordinances with respect to the location of trades and industries, the use and occupancy of buildings, the height and bulk of buildings, and the areas of yards, courts and other spaces, shall not be deemed to be modified by any provisions of this Code, and such restrictions shall be controlling except insofar as this Code imposes greater restrictions by reason of the type of construction used, in which case the provisions of this Code shall control.

(B) No building permit for construction shall be granted unless the property abuts on a dedicated public right-of-way or a dedicated and recorded easement access with a minimum frontage of 40 feet.

2.09 Maintenance of buildings and structures

(A) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the inspection department may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguided, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code.

(B) In case there shall be, in the opinion of the inspection department, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the department may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner, and may be applied as a special charge on the owner's real estate tax bill.

(C) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the inspection department may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures, and places adjacent to such building or structure, and prohibit the same from being used.

2.10 Drainage of roof water

It shall be unlawful to deposit roof water, or water of any kind, directly upon any public street, alley, or sidewalk or any public land, or to construct or maintain any device which will deposit such water directly upon public land, unless the public land is designed for the purpose of drainage.

SECTION 3.0 PERMITS

3.01 Building permit required

No person, corporation or entity shall build or cause to be built any one- or two-family dwelling, any commercial building or any addition or remodeling to such a dwelling or commercial building, without first obtaining a building permit for such construction. Building permits shall be issued by the building inspector in accordance with the codes adopted in this chapter and upon payment of a permit fee as established by the town board.

3.02 County zoning permit required

The application for a town building permit shall be accompanied by a validly issued county zoning permit, when applicable.

3.03 Inspections and prerequisite approvals

Before the issuance of any permit for the moving of a building or structure into or within the town, the building inspector shall inspect the building or structure to determine its structural fitness for the move and any additions, alterations or improvements necessary for compliance with this chapter. All county zoning, health and sanitation permits or other necessary approvals must be obtained before a permit is issued.

3.04 Plans and specifications

All applications for building permits shall be accompanied by specifications and plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings existing, and the lines within which the buildings or structure shall be erected or altered, and such other information as may be necessary to determine compliance with all building codes and regulations. At the discretion of the building inspector, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

3.05 Deteriorated or damaged buildings

No permits shall be issued for the moving of any building or structure that has deteriorated or been damaged to a greater extent than 50 percent of its equalized value.

3.06 Bond

As a condition of issuance of any permit to move any building or structure, the applicant shall give a bond, with good and sufficient amities, as approved by the town, in the sum of not less than \$10,000.00. The conditions of the bond shall be:

(A) The applicant saves and holds harmless the town against any and all claims and liabilities for damages and expenses arising by virtue of the granting of the permit.

(B) The applicant shall cause to be repaired or pay the expenses of repair of any damage to the streets and roads of the town, arising as a result of the move of the building or structure on public streets, highways or roadways.

3.07 Posting of permits

Issuance of a permit shall include delivery of a permit placard which shall be posted in a conspicuous place on the building or premises where the work is being done, and easily accessible for notation of inspections.

3.08 Permit and inspection fees

Building permit, inspection, and re-inspection fees shall be as provided in the town fee schedule.

3.09 Fees doubled for violations

Double fees will be charged for anyone failing to take out the necessary permits as required by this Code.

3.10 State and payment of fees; receipt of fees

The building inspector or other designated town official shall issue a statement of required fees, which shall be filed with the town treasurer for payment thereof made by the applicant. The applicant shall present to the building inspector or other designated town official the receipt of the town treasurer showing the payment of all required fees, and shall thereupon be issued the permit.

SECTION 4.0. DEMOLITION OF BUILDINGS

4.01 Notification of utility service providers

Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as, water, electricity, gas, sewer, and other connections. The wrecking permit shall not be issued until a release is obtained from the utilities provider, stating that the respective service connections and appurtenant equipment, such as, meters and regulators, have been removed or sealed and plugged in a safe manner.

4.02 Method of demolition

Whenever a building is 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 in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber, and structural pads of each story shall be lowered to the ground immediately upon displacement: all dry mortar, lime, brick dust, plaster, 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.

4.03 Clearing of debris; grading

The building site of any building hereafter wrecked shall be properly cleared of debris and rubbish and shall, at the discretion of the building inspector, be properly graded and leveled off to conform with the adjoining grade of the neighborhood.

SECTION 5.0 STRUCTURE NUMBERING

5.01 Street numbering system

A uniform numbering system has been established and implemented by the La Crosse County Zoning, Planning and Land Information Department (as authorized under Sec. 11.10 of the La Crosse County Code of Ordinances) in the unincorporated areas of La Crosse County and is carried out in cooperation with the town. This numbering system shall serve as the sole identification of the property for the above purposes.

5.02 Existing regulations

To facilitate emergency 9-1-1 response within the town, Ordinance 1-2001 Street Number Posting Ordinance was approved and implemented and shall be deemed adopted as part of this Code. Any amendments to said ordinance shall also apply to this Code.

5.03 Street number sign required

Each primary structure located within the town shall display the street number on a sign as described in Ordinance 1-2011, and any fees required shall be established by the town fee schedule.

SECTION 6.0 BUILDING MOVING

6.01 Permit required; fee

No building located in the town shall be moved to another location in the town, and no building located outside the town shall be moved to a location in the town, and no building located in the town shall be moved to a location outside the town without a permit. The fee for each moving permit shall be as determined from time to time by resolution of the town board.

6.02 Inspection required

No building permit shall be issued for the moving of any building, unless the building has first been inspected by the town building inspector.

6.03 Permit application

An application for a moving permit shall be signed by the applicant and filed with the clerk, and shall set forth, in detail, a description of the building to be moved and the route to be followed in the moving of such building, an estimate of how long the move will take, but no move shall take longer than six months, and, if the building is to be located in the town, shall state the building's use, construction and location and the proposed new location, the substructure that it is to be placed upon, the use intended in the future, the remodeling or renovation planned for such building, and the names and mailing addresses of all of the residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property upon which the building is to be located.

6.04 Documents to accompany application

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk two accurate photographs of the building at its present location and an accurate plat or survey of the property on which the building is to be located, if the building is to be located in the town. A plat or survey shall also show the proposed location of the building and any existing buildings or other structures thereon. In addition, the applicant shall file a rendering of the final four elevations of the building, its exterior material and its engineered grading and drainage plan.

6.05 Bond required

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk a bond in favor of the town and signed by the applicant, to be approved by the board or its designee and the town attorney, in the sum set by the town board, and:

(A) Conditioned to save and keep the town harmless from all damages to, and loss of, property of the town, and expenses arising therefrom, which may be incurred by the town by reason of the moving of buildings by the applicant or his contractors, servants, agents or employees.

(B) Conditioned to save and keep the town harmless from all liability arising by reason of the moving of buildings and to indemnify the town against any and all such judgments, claims, costs, and expenses on account of bodily injury to, or the death of, third persons.

(C) Conditioned to save and keep the town harmless from all liability arising by reason of moving buildings, and to indemnify the town against any and all such judgments, claims, costs, and expenses by reason of damage to property other than that of the town.

(D) Conditioned on completion of the move of the building within the time set forth in the application, but not to exceed six months. It shall further be conditioned upon compliance with any and all applicable provisions of this article or town zoning regulations. Such bond will pay for the demolition and disposal of the building to be

moved or for the completion of the move if the building is not moved within the time limit as set forth in this subsection.

6.06 Insurance required

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk an insurance policy in the form, and by an insurance corporation, to be approved by the town attorney, by the terms of which policy the insurance corporation shall assume the liability and obligations of the applicant under the bond, which policy shall further provide, by its specific terms, that it may not be cancelled or otherwise terminated without at least ten days' prior notice to the board or its designee and building inspector.

6.07 Moving regulations and requirements

(A) Every person to whom a permit is issued shall notify the building inspector when the actual work of moving the building is to be commenced.

(B) The moving of any building along any street or alley shall be carried on without interruption during working hours.

(C) In the moving of any building along busy or crowded streets or alleys, the board or its designee may require the moving of the building to be carried on at nighttime as well as daytime in order to complete the moving process with the least possible obstruction to streets or alleys.

(D) In every case when it shall be necessary to trim or remove any tree along the route, such trimming or removal shall be done under the supervision of the building inspector. The person receiving the permit shall pay to the building inspector the expense of such inspector and for all labor involved in the trimming or removal of trees along the route.

(E) 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.

(F) Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from 30 minutes after sunset to 30 minutes before sunrise. Such lighted lanterns shall be attached to the building, one at each corner, and in every case, lanterns shall not be placed farther apart than 12 feet.

6.08 Report of completion; inspection; street damages

Every person who has moved a building, as provided in this article, shall report to the building inspector and the board or its designee within one day after the building has reached its destination. The board or its designee shall thereupon inspect the streets and alleys over or along which the building has been moved. The board or its designee shall report the damage ascertained by such inspection to the building inspector and the person to whom the permit was issued, and the permit holder shall immediately repair such

damage. In every case where the permit holder shall fail to repair the damage to the satisfaction of the board or its designee, the board or its designee shall cause such damage to be repaired and charged against the permit holder.

SECTION 7.0 PENALTIES AND ENFORCEMENT

7.01 Penalties and enforcement

(A) Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and other materials, which are incorporated by reference, shall upon conviction thereof forfeit not less than \$25.00 and not more than \$500.00 and the cost of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation. However, in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the state. Each day that a violation continues shall constitute a separate offense.

(B) The town board shall also provide for the enforcement of the Code and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action, in accordance with Wis. Stats. § 62.23(9).

(C) The town shall be permitted to tear down new construction done in violation of this chapter and the cost of such demolition shall be borne by the violator.

7.02 Other enforcement methods

(A) Whenever any building work is being done contrary to the provisions of this Code, or in an unsafe or dangerous manner, the town may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.

(B) Whenever any building is being used or occupied contrary to the provisions of this Code, the town shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

SECTION 8.0 BOARD OF BUILDING APPEALS

8.01 Town board to serve as board of appeals

The board of building appeals shall consist of the town board.

8.02 Meetings

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. Three members constitute a quorum. The chairman or acting chairman may administer oaths and compel the attendance of witnesses.

8.03 Rules of procedure

(A) The board shall adopt its own rules of procedure other than those established by this article and shall keep a record of its proceedings, showing the action of said board and the vote of each member upon each question considered.

(B) The concurring vote of three members of the board, except when only three members are present, in which case a concurring vote of two members shall be necessary to reverse a decision of the building inspector.

8.04 Procedure for appeals of the board

(A) Appeal from any action or decision of the building inspector to the town clerk concerning this Code may be made to the board of building appeals within time limits established by the board of building appeals. Variances to the uniform dwelling code are handled by the State.

(B) The appellant shall file with the building inspector or town clerk a notice of appeal, specifying the grounds thereof. The building inspector or town clerk shall transmit to the board of building appeals all papers involved in the appeal.

(C) The board may reverse, or affirm, or modify the decision or action appealed from. The decision shall be in writing, specifically stating the reasons for the decision, and a copy given to the appellant. The board may also order necessary tests of new or alternate materials or types of construction, at the expenses of the appellant, before rendering a decision thereon.

(D) The board shall have the power to hear and decide appeals where it is alleged there is error in any action or decision of the building inspector or town clerk concerning this Code, to authorize such variance from the terms of the article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement would result in practical difficulty or unnecessary hardship, so that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

(E) An appeal shall stay all proceedings in furtherance of the matter appealed from unless the building inspector shall certify to the board of building appeals that a stay would cause imminent peril to life or property in which case proceedings shall not be stayed, except by order of the board of building appeals after hearing, or by a court of competent jurisdiction after hearing.

8.05 Judicial review

The procedure established by Wis. Stats. § 62.23(7)(e)(10) through (15) for appeals of decisions of board of zoning appeals is hereby established as the exclusive remedy for review of a decision of the board of building appeals.

SECTION 9.0 SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10.0 REPEAL

Except as provided herein, any ordinances not in conformity with this ordinance or heretofore enacted on the same subject matter are hereby repealed.

SECTION 11.0 EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 10th day of February, 2016.

By:
Katherine Warzynski, Town Chair

Attest:
Marilyn J Pedretti, Town Clerk

Date Posted: 2/15/16