

## Chapter 2

### One- and Two-Family Dwelling Building Codes

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#### **SEC.10-2-1 Application of Provisions**

A. Title. This chapter shall be known as the "Building Code of the Village of Plainfield" and will be referred to in this chapter as "this code," "this chapter" or "this ordinance."

B. 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 such buildings and the general public.

C. Scope. New buildings hereafter erected in, or any building hereafter moved within or into, the Village shall conform to all the requirements of this chapter except as they are herein specifically exempted from part or all its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, 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 chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted. The provisions of this chapter supplement the laws of the State of Wisconsin pertaining to construction and use and Chapter 6, Zoning, of the Code of the Village of Plainfield and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and said Chapter 6, Zoning.

### **SEC.10-2-2 State Uniform dwelling Code Adopted**

The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings and defining regulations with respect to one- and two- family dwellings in Chapters Ind. 20-25 of the Wisconsin Administrative Code, whose effective dates are generally December 8,1978, are hereby adopted and reference made 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 the reference is required or prohibited by this Chapter. Any future amendments revisions or modifications of the Administrative Code provision incorporated herein are intended to be part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in this Village of the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.

### **SEC.10-2-3 Definitions**

#### **ADDITION**

New construction performed on a dwelling which increases the outside dimensions of the dwelling.

#### **ALTERATION**

A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

#### **DEPARTMENT**

The Department of Safety and Professional Services.

#### **DWELLING**

- (1) 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
- (2) 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.

## **MINOR REPAIR**

Repair performed for maintenance or replacement purposes 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 and use. Twenty-five (25%) percent or less of roof replacement or siding replacement on existing structure shall be considered minor repair). No building permit is required for work to be performed which is deemed minor repair.

## **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.

## **PERSON**

An individual, partnership, firm or corporation.

## **UNIFORM DWELLING CODE**

Those Administrative Code provisions and any future amendments, revisions or modifications thereto contained in the following chapters of the Wisconsin Administrative Code:

Chapter SPS 320, Administrative and Enforcement

Chapter SPS 321, Construction Standards

Chapter SPS 322, Energy Conservation Standards

Chapter SPS 323, Heating, Ventilating and Air Conditioning

Chapter SPS 324, Electrical Standards

Chapter SPS 325, Plumbing

### **SEC.10-2-4 Method of Enforcement**

The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all the provisions of the Uniform Dwelling Code.

### **SEC.10-2-5 Building Inspector**

(1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Village President subject to

confirmation by the Village Board. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purpose by the Department in each of the categories specified under Sec. Ind 26.06, Wisconsin Adm. Code, and by the Department of Health and Social Services in the category of plumbing.

(2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Village Board.

(3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.

(4) Inspection powers. The Building Inspector or an authorized certified agent 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. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.

(5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected, indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.

#### **SEC.10-2-6 Building Permits**

(1) General permit requirement. No building of any kind shall be moved within or into the Village 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, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) Alterations and repairs. The following provisions shall apply to buildings altered or repaired:

(a) Alterations. When any existing building or structure accommodates a legal occupancy and use but is of a substandard type of construction, then alterations which involve beams, girders, columns, bearing or other walls, room arrangement, heating and air-conditioning systems, light and ventilation, or changes in location of exit stairways or exits, or any or all of the above, may be made in order to bring such existing

construction into conformity with the minimum requirements of this chapter applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations.

(b) 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.

(c) Alterations when not permitted. When any existing building or structure, which, for any reason whatsoever, 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, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

(d) Alterations and repairs required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated, and thereafter no further occupancy or use of the same shall be permitted until the regulations of this chapter are complied with.

(e) Extent of deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

(A) Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee 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 designer, the use to which said building is to be put and such other information as the Building Inspector may require. The applicant shall submit two (2) plans for all new or repairs or additions.

(B) Site plan approval.

(1) Site plan approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residentially zoned districts, shall require site plan approval by the Village Board in accordance with the requirements of this section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations

to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.

(2) Administration. The Building Inspector shall make a preliminary review of the application and plans and refer them to the Village Board. The Village Board shall review the application and may refer the application and plans to one or more expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 30 days of its receipt of the application, the Village Board shall authorize the Building Inspector to issue or refuse a building permit.

(3) Requirements. In acting on any site plan, the Village Board shall consider the following:

(a) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

(b) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

(c) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.

(d) The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this section.

(4) Effect on municipal services. Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.

(5) If the Building Inspector finds that the proposed building or repair or additions complies with all Village ordinances and the Uniform Dwelling Code, the Inspector shall approve the application and a building permit be 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 Village Clerk-Treasurer.

### **SEC.10-2-7 Fees for Building Permits and Inspections**

The fees for building permits for any construction, alteration or repair in the Village of Plainfield shall be as follows:

**See TABLE NO. 1**

**The current fee schedule is on file in the Village offices.**

### **SEC.10-2-8 Violations and Penalties**

A. Any building or structure hereafter erected, enlarged, altered or repaired 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 Village Board and Village 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 of buildings in violation of this chapter or to cause such building, structure or use to be removed, and such violation may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. 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 or other Village officials 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.

B. Noncompliance, notification and correction.

(1) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation 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), Wisconsin Adm. Code.

(2) 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.

(3) 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 Uniform Dwelling Code.

(4) If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, additional fees shall be charged pursuant of the Village's Code.

(5) Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than Twenty (\$20.00) Dollars nor more than Three- Hundred (\$300.00) Dollars, together with the cost of prosecution and, if in default of payment thereof, may be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.

#### **SEC.10-2-9 Appeal to Board of Appeals**

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

#### **SEC.10-2-10 Liability for Damages**

This Chapter shall not be construed as an assumption of Liability by the Village of Plainfield for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

#### **SEC.10-2-11 Severability**

If any section, clause, provision or portion of this ordinance or Chapter Ind 20,21,22,23,24, and 25, Wisconsin Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.