

**TOWN OF JEFFERSON  
ORDINANCE 10-19  
BUILDING AND MECHANICAL CODE  
OF THE  
TOWN OF JEFFERSON**

**Section 1. Building and Mechanical Code Established.**

**(a) Title.** This Ordinance shall be known as the Building and Mechanical Code of the Town of Jefferson and shall be referred to as "this Code".

**(b) Purpose.** This Ordinance provides certain minimum standards, provisions and requirements for the 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 Town shall conform to all the requirements of this ordinance 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, 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 ordinance whenever it is used for dwelling, commercial or industrial purposes, unless it is being used for such purpose at the time this ordinance was enacted. The Town shall identify the scope of projects that require building permits by resolution, and can modify those requirements from time to time. The provisions of this ordinance supplement the laws and administrative rules of the State of Wisconsin pertaining to construction and use and the Zoning Code of Jefferson County and amendments thereto (and other zoning regulations adopted after the original enactment date of this ordinance) to the date this ordinance was adopted and in no way supersede or nullify such laws and said supplementary codes and regulations.

**(d) Authority.** These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76 and 101.761 of the Wisconsin Statutes.

**Section 2. Adoption of Codes.**

The following Chapters of the Wisconsin Administrative Code are hereby adopted by the Municipality and by reference made a part of this Ordinance as if fully set forth herein and shall be enforced by the Building Inspector. 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 regulations. A copy of the Wisconsin Administrative codes shall be kept on file in the office of the Building Inspector.

Ch. SPS 305 Credentials  
Ch. SPS 316 Electrical Code  
Chs. SPS 320-325 Uniform Dwelling Code  
Chs. SPS 360-366 Commercial Building Code  
Chs. SPS 380-387 Uniform Plumbing Code  
Chs. SPS 375-379 Existing Building Code

### **Section 3. Definitions.**

**(a) Addition.** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

**(b) 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.

**(c) Building.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose.

**(d) Building Inspector .** The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin Law.

**(e) Construction.** Any part or portion of the activity of installing, locating, siting, erecting or razing a building.

**(f) Contractor.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies or materials.

**(g) Demolition.** The activity of completely or partially destroying a previously erected or constructed building.

**(h) Department.** "Department" means the Wisconsin Department of Safety and Professional Services.

**(i) 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 (1) or two (2) 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 (1) or two (2) family dwelling.

**(j) Electrical.** The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

**(k) Garage.** A building which is primarily intended for storage of parked automobiles or Equipment.

**(l) HVAC.** An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

**(m) Minor Repair.** "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwellings 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. No building permit is required for work to be performed which is deemed minor repair.

**(n) Occupancy.** The act of utilizing a building for habitation by human beings. Any use of a building for any activity that is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.

**(o) One (1) or Two (2) Family Dwelling.** "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence, or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.

**(p) Owner.** The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

**(q) Person.** "Person" means an individual partnership, firm or corporation.

**(r) Plumbing.** The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.

**(s) Stop Work Order.** A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

**(t) 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 SPS 320 –Administrative and Enforcement

Wis. Adm. Code Chapter SPS 321 – Construction Standards

Wis. Adm. Code Chapter SPS 322 – Energy Conservation Standards

Wis. Adm. Code Chapter SPS 323 – Heating, Ventilating, and Air Conditioning

Wis. Adm. Code Chapter SPS 324 – Electrical Standards

Wis. Adm. Code Chapter SPS 325 – Plumbing and Potable Water Standards

**Section 4. Method of Enforcement.** The municipality shall enforce this Code by contracting with a certified inspector or independent inspection agency.

## **Section 5. Building-HVAC-Electrical-Plumbing Inspector.**

**(a) Creation and Appointment.** There is hereby created the office of Building Inspector. The municipality shall appoint the Building Inspector. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Administrative Code.

**(b) Certified Inspector to Enforce.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this Code.

**(c) Subordinates.** The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code, by the Department.

**(d) Duties.** The Building Inspector shall administer and enforce all provisions of this Ordinance.

**(e) Inspection Powers.** 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 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 while in performance of their 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 66.122, Wisconsin Statutes.

**(f) Records.** The Building Inspector shall perform all administrative tasks required by the Department. In addition, the Building Inspector shall keep a record of all applications for building permits in a book marked in order and shall coordinate with the seal numbers purchased from the state. The records shall also detail number, descriptions, size, costs, materials used and the aggregate cost of all UDC construction. A record shall be kept of all condemnation. The inspector shall make an annual report to the Town Board. Annually, all completed records shall be turned over to the Clerk.

## **Section 6. Building Permits.**

No construction of any kind shall take place as identified under the scope of Section 1(c) unless a building permit for that work is first obtained by the owner or his authorized agent from the Building Inspector.

**(a) Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector upon a form prescribed by the Department of Safety and Professional Services 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 Building Inspector shall file a copy of each form with the Department of Safety and Professional Services per s.s. 101.65(3).

**(b) Submission of Plans.** The applicant shall submit two copies of plans at the time the building permit application is filed. If a new building or building addition is proposed which requires a building permit, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09(4), Wisconsin Administrative Code.

**(c) Issuance of Permit.** If the Building Inspector determines that the building will comply in every respect with all local ordinances and all applicable laws and orders of the state of Wisconsin, the Building Inspector shall issue a building permit. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit shall be displayed in a conspicuous place at the building site.

**(d) Inspection of Work.** In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- (1) Footing
- (2) Foundation
- (3) Rough Carpentry, HVAC, Electric and Plumbing
- (4) Drain tile/Basement Floor
- (5) Under floor Plumbing
- (6) Electric Service
- (7) Insulation
- (8) Final Carpentry, HVAC, Electric and Plumbing
- (9) Erosion Control

Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building Inspector. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

**(e) Occupancy Approval.** If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue occupancy approval. If the building fails to comply with the code in minor respects, which do not threaten safety, health, or welfare of the other building's occupants, the Inspector, may issue a temporary occupancy approval for a specified term. No person shall have occupancy of a building until an occupancy approval is issued. Inspector shall give Clerk copy of all occupancy approvals when issued.

**(f) Permit Lapse.** A building permit shall expire two years after issuance if construction has not been completed.

#### **Section 7. Miscellaneous.**

**(a) Exterior Finish Required.** All buildings shall have proper weather resistant, exterior finish. Tarpaper and/or similar material are not acceptable.

**(b) Maintenance of Buildings.** All buildings shall be maintained so that they do not lose value or become non-complying with applicable codes.

**(c) Maintenance of Yards.** During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water, or damage to adjoining property.

**Section 8. Permit Fees.** Building permit fees shall be determined by the Town Board. At the time of building permit application, the applicant shall pay the established fees. If work commences prior to permit issuances, double fees may be charged by the Building Inspector.

**Section 9. Unsafe Buildings.** Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become 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, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413, Wisconsin Statutes.

**Section 10. Violations and Penalties.**

**(a) Prohibition.** No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.

**(b) Violations.** Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.

**(c) Compliance.** Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community, and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance, which may be enjoined in a civil action.

**(d) Stop Order.** If written violations are not corrected after 30 days, the Building Inspector shall issue a stop order for a project to prevent further non-complying work. The stop order shall be posted at the construction site.

**(e) Penalties.** Any person in violation of this Ordinance or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25.00 or more than \$500.00 together with the cost of prosecution. Each day that such violation continues will constitute a separate offense (see Wisconsin Statute 66.119, 66.12 and 101.66).

**Section 12. Disclaimer and Non-Liability for Damages.**

This Ordinance shall not be construed as an assumption of liability by the municipality for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

**Section 13. Appeals.**

Any person aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town will follow procedures explained in Wisconsin Statutes, Chapter 68, to arrive at a final determination. Final determination may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.

**Section 14. Severability.**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the

ordinance and application of such provisions to other persons or circumstances shall not be affected thereby.

**Section 15. Effective Date.** This ordinance shall take effect upon passage, posting and/or publication as provided by law.

This Ordinance adopted by the Town Board of the Town of Jefferson on this 7<sup>th</sup> day of October 2019.

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Michael Hollinger, Chair

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Curtis Backlund, Supervisor

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Gregg Hill, Supervisor

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Jim Mode, Supervisor

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Tracie Stammer, Supervisor

ATTEST TO:

\_\_\_\_\_  
Tina Barnes, Clerk

Date Adopted: \_\_\_\_\_

Date Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_