

WAUPACA COUNTY BUILDINGS AND BUILDING REGULATIONS CHAPTER 53

UNIFORM DWELLING CODE

Waupaca County Zoning Ordinance, Chapter 53
of the Waupaca County General Code of Ordinances

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1.0 Authority.

- 1.1 These regulations are adopted under the statutory authority granted pursuant to Wis. Stats. §§ 101.65, 101.651, 101.76, and 101.761.
- 1.2 This article shall apply in all municipalities that have officially delegated the authority to enforce and administer the Uniform Dwelling Code to the county. A list of the municipalities delegating authority to the county shall be maintained, updated and accessible to the public in the Waupaca County Planning & Zoning Office.

2.0 Purpose.

- 2.1 The purpose of this chapter is to promote the development of quality housing, public buildings and places of employment and to protect the health, safety and welfare of the public and employees.

3.0 Definitions.

As used in this article, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

1. Agricultural structures. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
2. Alteration. A change, modification, or adjustment to an existing structure other than a repair, maintenance, or an addition.
3. 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. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
4. 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.
5. Construction. Any part or portion of the activity of installing, locating, siting, erecting or razing a building. Conversion of a building from one use to a different use is also considered construction.
6. Contractor. Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
7. Demolition. The activity of completely or partially destroying a previously erected or constructed building.
8. Department. The Wisconsin Department of Safety and Professional Services.
9. 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.

10. 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.
11. Maintenance. Normal repair so as to avoid deterioration and so as to avoid, inasmuch as possible, the potential for a hazardous condition. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.
12. Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
13. Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
14. 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.
15. Primitive rural hunting cabin. A structure used for primarily by hunters immediately prior, during, and immediately after Wisconsin hunting seasons as listed on the Wisconsin DNR website and is not used as a home or residence. Said structure shall have been constructed prior to December 31, 1997 and does not exceed two stories in height. The cabin shall not contain any plumbing or electricity.
16. Rebuilt. Reconstruction or repairs to a building that is damaged or demolished to the extent of 50 percent or greater of its equalized assessed value shall be considered to be rebuilt.
17. 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 esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
18. 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.

19. Used building. Any building that has previously been used in another location, or is on-site but has previously been used for another purpose, is considered to be a used building. Buildings that change their use are subject to change of use regulations and restrictions contained in this and other applicable codes.

4.0 Scope.

- 4.1 This code applies to all one- and two-family dwellings, one- and two-family detached accessory structures greater than two hundred (200) square feet in area, decks serving an exit from a dwelling, new or replacement electrical service, and commercial buildings/structures. Unless stated elsewhere, this article shall not apply to agricultural structures or to children's play structures.
- 4.2 Permit required.
1. No owner or contractor may commence construction of any building or mechanical system on a structure referenced in section 4.1 above, prior to obtaining a valid permit from the municipal building inspector.
 2. The construction which shall require a building permit includes, but is not limited to:
 - a. New one- and two-family dwellings, including decks serving an exit from the dwelling, and commercial buildings.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations or additions to the building structure, that are either greater than \$5,000.00 market value, (cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems), or that constitute 100 square feet or more in area.
 - d. Alteration of plumbing, venting, electrical or gas supply systems.
 - e. Any electrical wiring for new construction, additions, alterations and accessory structures.
 - f. Any HVAC for new construction, additions, alterations and accessory structures.
 - g. Any plumbing for new construction, additions, alterations and accessory structures.
 - h. All electrical wiring associated with swimming pools.
 - i. All new electrical service and re-connection service shall have both a permit issued to and work verified by a master electrician.
 - j. Any conversion of a building from one use to a different use.
 - k. Installations of fireplaces and stoves including wood, pellet and gas.

3. In addition to the construction activities noted above, the demolishing or razing of any one- and two-family dwellings, or the razing of any commercial buildings shall require a valid permit from the building inspector. Whenever a building or structure is razed or demolished hereunder, all debris and materials resulting from such demolition shall be removed from the premises, all basements and other excavations and depressions revealed or caused by such demolition shall be filled to the general grade of the premises, and all surfacing on such premises shall be removed. All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises.
4. The following construction activities shall not require a building permit:
 - a. Detached one- and two-family accessory structures smaller than two hundred (200) square feet, including residential swimming pools.
 - b. Re-siding, reroofing and finishing of interior surfaces, installation of cabinetry, replacement of windows of the same dimension or smaller and in the same location as existing windows and repairs which are deemed minor by the building inspector.
 - c. Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers.
 - d. Major equipment in kind replacements (i.e., furnace, water heater, air conditioning, etc.)
 - e. Agricultural structures.
 - f. Structures or remodeling when the proposed work is less than \$5,000.00 market value and less than 100 square feet in area. All building codes shall be complied with whenever the structure or remodeling will be to a one- or two-family dwelling, or any commercial building, regardless of whether a permit is required by this section.

5.0 Adoption of codes.

- 5.1 The following chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the county and shall be enforced by the building inspector:
 1. Ch. SPS 302.31 Plan Review Fee Schedule
 2. Ch. SPS 305 Credentials
 3. Ch. SPS 316 Electrical Code
 4. Chs. SPS 320 - 325 Uniform Dwelling Code
 5. Ch. SPS 327 Camping Units
 6. Chs. SPS 360 - 366 Commercial Building Code
 7. Chs. SPS 375 – 379 Buildings Constructed Prior to 1914
 8. Chs. SPS 381 - 387 Uniform Plumbing Code

6.0 Scope of uniform dwelling code expanded.

For the purposes of this article, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standard for construction of the following:

- 6.1 All additions and alterations greater than \$5,000.00 market value or 100 square feet in area, for all one- and two-family dwellings.

7.0 Certified municipality status.

The county has adopted the certified municipality status as described in SPS 361.60 of the Wisconsin Administrative Code.

- 7.1 Responsibilities. The county shall assume the following responsibilities for the department of safety and professional services (department):
 1. Provide inspection of commercial buildings with certified commercial building inspectors.
- 7.2 Plan submission for commercial buildings. Plans for commercial buildings shall follow requirements for Wisconsin Administrative Code SPS 361.30. Two sets of department approved plans and a building permit application shall be submitted to the building inspection department for the further processing and calculation of fees. Plans that fall under the exemption for submittal to the department will still require two sets of plans submitted to the building inspection department along with the building permit application. Those plans must be drawn to scale and contain sufficient detail for code compliance review.

8.0 Building, HVAC, electrical, and plumbing inspector.

- 8.1 Creation and appointment. There is hereby created the office of building inspector. The building inspector shall be appointed by the municipality. The building inspector shall be certified for inspection purposes by the department in the required categories specified under SPS 305, Wisconsin Admin. Code.
- 8.2 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 Admin. Code, by the department.
- 8.3 Duties. The building inspector shall administer and enforce all provisions of this article.
- 8.4 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. The building inspector 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 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 Wis. Stats. § 66.0119.

8.5 Inspections. 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. Underfloor plumbing;
6. Electric service;
7. Insulation;
8. Final carpentry, HVAC, electric and plumbing; and
9. Erosion control.

In accordance with SPS 321.17(2), the building inspector may waive the requirements for a complete drain tile or pipe system for new dwelling construction where documentation is submitted by a professional soil scientist or certified soil tester which verifies that the soils are comprised of well drained sands or well drained loamy sands and that no seasonal groundwater levels exist at or above the elevation of the footing of the proposed new dwelling. In the instance of an addition to an existing one- or two-family dwelling where the proposed foundation is at the same elevation of the existing foundation, or higher, and it has been verified that there is no history of water problems the building inspector may also waive the requirements for a complete drain tile or pipe system for the addition.

- 8.6 Failure to request inspection. 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.
- 8.7 Contractor and/or property owner responsible. 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.
- 8.8 Records. The building inspector shall perform all administrative tasks required by the department under all codes covered in section 8-36. In addition, the inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

9.0 Submission of plans.

The owner or contractor shall, with respect to any proposed construction, submit two sets of building plans to the inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the building inspector for the assessor. The building inspector may require the owner or contractor to submit plans for any construction project when the building inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

10.0 Issuance of permit.

- 10.1 The inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Projects that are not completed by the expiration of the permit shall be required to reapply for permits and shall be charged fees according to the portion of the project not completed.
- 10.2 By accepting a permit, the applicant, owner or contractor grants the building inspector the right of access to the real estate on which the permitted construction will occur.
- 10.3 Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- 10.4 No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.
- 10.5 No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the building inspector.
- 10.6 It shall be the responsibility of the owner, installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

11.0 Occupancy permit.

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 an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the building inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of any new, used, or rebuilt building until an occupancy permit is issued.

12.0 Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the county and as on file with the Waupaca County Planning & Zoning Office. If work commences prior to permit issuance, the permit fee shall double.

13.0 Violations and penalties.

- 13.1 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 chapter.
- 13.2 Violations; penalty for non-compliance. Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$10.00 nor more than \$200.00 for each day of non-compliance, together with the costs of prosecution.
- 13.3 Violations; time frame for corrective actions. 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.
- 13.4 Violations; declared public nuisance. Compliance with the requirements of this article 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 article shall constitute a public nuisance that may be enjoined in a civil action.
- 13.5 Enforcement. Violations of this article shall be enforced and prosecuted through the office of the corporation counsel.

14.0 Stop work order.

The building inspector may issue a stop work order for a project, in regard to erosion control purposes, to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity that receives such a stop work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the stop work order unless the owner or contractor shows that the building inspector erred in determining that the construction project violated a provision or provisions of the state building codes.

15.0 Disclaimer and non-liability for damages.

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