

ORDINANCE NO. 2022-02

AN ORDINANCE TO REGARDING COMMERCIAL BUILDING INSPECTIONS

The Town Board of the Town of Lodi, Columbia County, Wisconsin, does hereby ordain as follows:

WHEREAS, the Town of Lodi presently provides for building inspection of residential properties and other structures but not explicitly commercial buildings; and

WHEREAS, the State of Wisconsin has a commercial building inspection program, but allows certified municipalities to provide their own commercial building inspection program; and

WHEREAS, the Town of Lodi believes that if it were to provide the service of commercial building inspection, it could better serve the citizens of the Township of Lodi; and

WHEREAS, the Town of Lodi therefore desires to become a certified municipality for the purpose of commercial building inspection.

NOW, THEREFORE, BE IT RESOLVED, that Section 11.21 of Chapter 11, Building and Construction Codes, be hereby amended as follows:

SECTION 11.21 BUILDING CODES

(a) **Building Permits.**

(1) **Permits Required.**

No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert or demolish any building or structure, or cause the same to occur, without obtaining a building permit therefor from the Building Inspector. This Ordinance shall not be construed to require a building permit for minor repairs not exceeding \$500.00 (excluding electrical and plumbing) which do not change the size, occupancy, structural strength, fire protection, ventilation, exits or lights of the building or structure.

Except as noted above, the construction that shall require a building permit includes, but is not limited to:

(A) New 1 & 2 family buildings including detached structures (decks) and detached accessory buildings, and conditions which increase the physical dimensions of such structures.

(B) Commercial buildings, including agricultural buildings;

- (C) Alterations or additions to commercial buildings or agricultural buildings, or alterations to such buildings heating, electrical, or plumbing systems;
- (D) Replacement of major building equipment, including furnaces and central air conditioners, water heaters, and any other major piece of equipment in such commercial or agricultural buildings except as noted below; or
- (E) Any electrical wiring for new construction or remodeling in commercial or agricultural buildings, excluding new wiring for existing industrial and manufacturing facilities that do not require state-mandated building plan review.

(2) **Application and Permit.**

- (A) ___ Any person desiring a building permit shall file with the Town Clerk-Treasurer an application therefor in writing on a blank form to be furnished for that purpose. Upon filing, the Town Clerk-Treasurer shall furnish the building permit application to the Building Inspector for processing.
- (B) ___ Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot or block or tract, tax certificate number and street number, if any, or similar general description that will readily identify and definitely locate the proposed building or work. Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Building Inspector.
- (C) ___ If the application is for a new one-family or two-family dwelling, the Building Inspector shall utilize the statutory building permit application form.
- (D) ___ Copies of the plans and specifications and a plot plan showing the location of the proposed building and of every existing building thereon, shall accompany every application for a permit, and shall be filed in duplicate with the Building Inspector. Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to a scale of not less than one-eighth inch to one foot. Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law will be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Building Inspector.

(E) ___All plans shall bear the name of the architect, engineer or person responsible for their preparation.(F) The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Inspector and if found to be in conformity with the requirements of this Ordinance and all other laws or Ordinances applicable thereto, the Building Inspector shall, upon receipt of the required fee, issue a permit therefor. When the Building Inspector issues the permit, he or she shall endorse in writing, or stamp both sets of plans and specifications "Approved." One such approved set of plans and specifications shall be retained by the Building Inspector as a public record, and one such approved set of plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Inspector, and all work shall be done in accordance with the approved plans.

(3) **Posting of Permit.**

With every permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected. The card to be unobstructed from public view and available for the Building Inspector to mark.

(4) **Limitation.**

A permit under which no work is commenced within six months after issuance shall expire. This does not preclude the renewal of a permit if the conditions under which the permit was originally issued have remained unchanged and there has been no change in the law that would adversely affect the permit.

(5) **Revocation.**

The Building Inspector may revoke a permit or approval issued under the provisions of this Ordinance in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(6) **Inspections.**

(A) ___Inspections required under the provisions of this Ordinance shall be made by the Building Inspector.

(B) ___The Building Inspector, upon notification from the permit holder or agent, shall cause to be made the following inspections of buildings and

either approve that portion of the construction which has been completed or shall notify the permit holder or agent wherein the construction fails to comply with the law, regulations or orders, and it shall be the duty of the permit holder or his agent to notify the Building Inspector when ready for such inspections. The Building Inspector then shall make such inspections as soon as possible and within twenty-four (24) hours after notification, unless delayed by weather or other circumstances beyond the control of the Building Inspector. Inspections shall be made of all new buildings, additions and alterations and of buildings where application for new use is wanted. Normally, inspection will be made as follows:

- (C) ___Footing Inspection. Footing Inspection is to be made when the necessary forms have been erected and all reinforcing steel, when necessary, is in place and the materials for the footing have been delivered on the job.
- (D) ___Foundation Inspection. Foundation Inspection is to be made after the necessary forms are erected and all reinforcing steel is in place and when all materials for the foundations have been delivered on the job. Foundation Inspection is to be made after the foundation is in place and before the superstructure is placed thereon.
- (E) ___Frame Inspection. Frame Inspection is to be made after the roof, all framing, fire blocking, and bracing is in place and all pipes, chimneys and vents are complete. No lath or plasterbase of any kind or any insulation between the studs shall be applied to any building until the frame inspection, electrical inspection, plumbing inspection, heating and ventilating inspections have been made and the work approved. Where Wall Board is used in place of Sheeting, no siding shall be placed until the application of such substitution for wood sheeting is approved.
- (F) ___Final Inspection. Final Inspection is to be made after the building is completed and is ready for occupancy. The permit holder or agent shall make written application to the Building Inspector for Final Inspection.
- (G) ___The Building Inspector may require further inspections when, due to topography or the materials used in construction, special circumstances exist which make such further inspections necessary.

(7) **Permit Fees.**

No permit shall be issued by the Building Inspector until fees as established under Section 2.71 have been paid.

(8) **Demolition of 1 and 2 Family House and Related Structures.**

(A) Standards:

- (i) Notify all utilities prior to any demolition.
- (ii) Disconnect all utilities at the property line in accordance with Utility regulations. In no case shall live utilities be left in the lot. During demolition, sewer pipes shall be protected to prevent entrance of sand, earth or other foreign materials. Upon completion of demolition, the ends of all underground sewer or drainpipes shall be securely stopped with water-tight and durable material. The house sewer shall be abandoned inside the lot line by a licensed master plumber.
- (iii) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (iv) Foundations shall be removed to a minimum depth of 2 feet below ground surface.
- (v) All building material shall be removed from the site and disposed of at the end of each day. All debris including tanks, asbestos and other associated materials shall be dealt with in accordance with local, state and federal regulations
- (vi) All debris including tanks, asbestos and other associated materials shall be dealt with in accordance with local, state and federal regulations.
- (vii) No debris shall be buried or burned on site.
- (viii) Foundation holes shall be filled with soil to at least (1) foot above adjacent grade, graded to a smooth surface, seeded and mulched within 45 days unless a building permit has been issued for a new structure on the site.
- (ix) An erosion control plan shall be submitted indicating how sediment will be contained on site. This shall include provisions to prevent tracking of sediment on public roads.
- (x) Wells shall be abandoned in accordance with Wis. Admin. Code Chap. NR 812.
- (xi) Site shall be inspected by the Building Inspector and all utilities to make sure all codes are met.

(xii) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days shall have special approval from the Building Inspector.

(xiii) The permittee shall take all necessary steps by use of water spraying or other appropriate means to eliminate the nuisance of excessive dust particles in the air.

(B) Abandoned Premises And Protection Of Property; Fill Dirt, Basement Subflooring.

(i) Abandoned Excavations. Any excavation which exists for thirty (30) days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten (10) days after receiving a written notice from the Building Inspector of such requirement; upon the failure of such owner to comply with such requirements within the stated period, the work may be done by the Town or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Wis. Stats. § 66.0627, to be collected in the same manner as are other real estate taxes.

(ii) Vacant Buildings. Whenever any building or structure is vacant and the doors and windows of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe and a menace to public safety. The Building Inspector shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Town to condemn and raze said building or structure in accordance with the applicable provisions of Wis. Stats. § 66.0413(2)(c).

(iii) Protection of Adjoining Property. When the owner of any lot or plot of land, in the Town, in making improvements, is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of adjoining lots at least ten (10) days prior to commencing the excavation in order to give the adjoining owners a reasonable opportunity to protect their property at their own expense according to law. Such notice shall describe the extent and character of the excavation work about to be done.

(9) **Penalty.**

- (A) Penalty for starting work prior to issuance of a fully approved building permit shall be double the normal fees for such work, in addition to any other penalties provided elsewhere.
- (B) 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 timeframe established by the Building Inspector.
- (C) Compliance with the requirements of this ordinance is necessary to promote 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 that may be enjoined in a civil action.

(10) **Enforcement.**

- (A) Whenever the Building Inspector determines that any construction of a building or structure is occurring without the prior issuance of a building permit or contrary to the terms of a building permit previously issued, the Building Inspector shall order the work stopped by written notice served on any person engaged in doing such work or causing such work to be done. Such person shall immediately stop such work until authorized by the Building Inspector to proceed with the work. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance. No permit presuming to give authority to violate, or to fail to comply with provisions of this Ordinance shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors shall be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in said application, plans, specifications or construction and may rescind the building permit and prevent further building operations in violation of this ordinance or any other laws or Ordinances applicable thereto.
- (B) Any person violating any of the provisions of the Township of Lodi Building Permit Ordinance, the Building Permit Fee Ordinance, the Building Inspector Ordinance or any of the State Building Codes adopted by referenced by the Township of Lodi shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00 for each violation, and

shall also pay all costs and expenses incurred in the case. Each day that such violation continues to exist shall constitute a separate and distinct offense. Collection of such forfeitures shall conform to Wis. Stats. Chap. 778.

- (C) The options set forth in ~~(1A)~~ and ~~(2B)~~ above are alternative procedures. The Town may elect to proceed on any particular violation under ~~(1A)~~, ~~(2B)~~ or both, or may assess the penalty set forth in ~~(h9)~~ of this Ordinance, as the case may be.

History Note: Adopted 1/16/90; amended February 2/15/90; amended 10/30/90; amended through 1994 codification, amended 2/26/96; amended 9/28/99; amended 12/27/05; amended 7/29/08.

(b) **State Codes Adopted.**

The following chapters of the Wisconsin administrative code, as well as all subsequent revisions, are adapted by the Town and shall be enforced by the Building Inspector.

<u>CH. SPS 302.31</u>	<u>Plan Review Fee Schedule</u>
<u>CH. SPS 305</u>	<u>Credentials</u>
<u>CH. SPS 316</u>	<u>Electrical Code</u>
<u>CH. SPS 320-325</u>	<u>Uniform Dwelling Code</u>
<u>CH. SPS 327</u>	<u>Campgrounds</u>
<u>CHS. SPS 361 – 366</u>	<u>Commercial Building Code</u>
<u>CHS. SPS 375 – 379</u>	<u>Buildings Constructed Prior To 1914</u>
<u>CHS. SPS 381 – 387</u>	<u>Uniform Plumbing Code</u>

~~(1) The Wisconsin Administrative Code Chaps. SPS 320 – 325 in effect as of September 29, 2015, and all subsequent amendments, additions and recodifications thereto are hereby adopted and incorporated herein by reference, and shall apply to new one and two family residential buildings and structures, as well as additions or alterations to all existing one and two family residential buildings and structures and to accessory buildings.~~

~~(2) The Wisconsin Administrative Code Chap. SPS 316 in effect as of November 23, 2010, and all subsequent amendments, additions and recodifications thereto are hereby adopted and incorporated herein by reference, and shall apply to all installations within the scope of said Chapter.~~

History Note: Adopted July 28, 1992; amended by Ord. No. 2010-20, 11/30/20 and recodification 8/25/15.

(c) Certified Municipality Status

(1) Certified municipality. The Town of Lodi has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

a. Responsibilities. The Town of Lodi shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

i. Provide inspection of all commercial buildings with certified commercial building inspectors.

ii. Provide plan examination of all commercial buildings with certified commercial building inspectors.

b. Plan Examination. Drawings, specifications, and calculations for all types of buildings and structures, except state buildings and structures, which are to be constructed within the limits of the Town of Lodi shall be submitted to the Building Inspector for review.

c. Plan submission procedures. All commercial buildings, structures, and alterations, including new buildings and additions of less than 25,000 cubic feet require plan submission as follows:

i. Building permit application

ii. Application for review-SBD-118

1. Fees per table SPS 302.31-2 and SPS 302.31

2. Fees apply to all commercial projects

iii. Four sets of plans

1. Signed and sealed per SPS 361.31

2. One set of specifications

3. Component and system plans

4. Calculations showing code compliance

(d) Building-HVAC-Electrical-Plumbing Inspector

(1) Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Town. The Building Inspector shall be certified for inspection purposes by the Department in the required category specific under SPS 305, Wisconsin administrative code.

(2) Assistants. The Building Inspector may employ, sign, or point, as necessary, assistant Inspectors. Any assistant hired to inspect building shall be certified as defined in SPS 305, Wisconsin administrative code by the Department.

(3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.

(4) Powers. The Building Inspector or an authorized certified agent of the build Inspector may, at 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 heat 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 section 66.0119, stats.

(ee) **Installation of Manufactured Homes.**

(1) Applicability.

Pursuant to the general police powers of the Town of Lodi, this section shall govern the installation of all manufactured homes as defined in Wis. Stats. § 101.91(2) and 42 U.S.C. § 5402(6). This section shall not be construed to impose any construction and/or safety standards that are covered under 42 U.S.C. § 5403 or any federal standards or regulations adopted to effectuate its provisions. This section shall not apply to any mobile home or mobile home park as those terms are defined in Sections 6.01(a)(1) or 6.01(a)(2) of this Code.

(2) Installation.

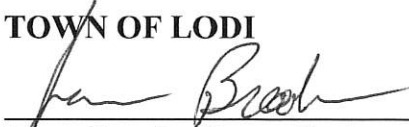
All manufactured homes shall be installed on foundations pursuant to the provisions of the Wis. Admin. Code Chap. SPS 326.12.

EFFECTIVE DATE


This ordinance shall take effect and be in force from and after passage and publication as required by law.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Lodi held on the 8 day of February 2022.

TOWN OF LODI



James Brooks, Town Chairperson



Chad Wolter, Supervisor 1



Tom Marx, Supervisor 2



Marc Hamilton, Supervisor 3



Karla Faust, Supervisor 4

ATTEST:



Kristi McMorris, Town Clerk

VOTE:

AYES: 5

NOES: 0

ADOPTED: 3/18/2022

PUBLISHED: 5/12/2022