

**CHAPTER 12**  
**SUB-CHAPTER I**  
**BUILDING AND HOUSING**

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**12.01 MINIMUM SITE REQUIREMENT**

- (1) Definitions as used in this ordinance:
  - (a) Residential Home means a single family or two-family dwelling suitable for year-round occupancy with a minimum of 600 square feet of living space per family.
  - (b) Lot area means the total area reserved for the use of the residential home and shall not include the area of the road right-of-way immediately adjacent to the lot measured to the center of the road.
- (2) Lot Size:
  - (a) It shall be unlawful for any person to develop or create a plat or Certified Survey Map as defined in Wisconsin Statute Section 236.02(8) in the Town of Center unless the plat or Certified Survey Map is approved by the Town Board in addition to all other approvals required by law and the Town Board shall not approve the plats or Certified Survey Maps unless each lot area within the plat or Certified Survey Map is at least one (1) acre in size.
  - (b) It shall be unlawful for any person to construct a residential home in the Town of Center unless the lot area on which said home is to be constructed is at least one (1) acre in area.

(3) Exemptions. Where the Town Board finds that compliance with the provisions of this ordinance would result in undue hardship, an exemption may be granted by the Town Board without impairing the intent and purpose of this ordinance.

## **12.02 BUILDING PERMITS**

(1) The Town Board has appointed a Building Inspector for the Town of Center.

(2) The content of the building permit form to be used by the Town Building Inspector will be determined by the Town Board.

(3) Before a permit is issued to a contractor, the owner or his agent, shall pay a permit fee set by resolution of the Town Board.

## **SUB-CHAPTER II ONE AND TWO-FAMILY DWELLING ORDINANCE**

## **12.05 APPLICATION OF PROVISIONS**

(1) Title. This ordinance shall be known as the One- and Two-Family Dwelling Code of the Town of Center.

(2) Purpose. The purpose and intent of this ordinance is to:

- (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings, and additions to existing one- and two-family dwellings constructed after January 1, 1981.
- (b) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations.
- (c) Establish and collect fees to defray administrative and enforcement costs.
- (d) Establish remedies and penalties for violations.
- (e) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Dept. of Industry, Labor and Human Relations.

## **12.06 STATE UNIFORM DWELLING CODE ADOPTED**

The Administrative Code Provisions described and defining regulations with respect to one- and two-family dwellings in Chapters Comm. 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a 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 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 a uniform statewide regulation of one- and two-family dwellings in this Town. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's Office.

## **12.07 DEFINITIONS**

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

(2) 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.

(3) Department. "Department" means the Department of Industry, Labor and Human Relations.

(4) 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- or two-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- or two-family dwelling and which existing structure was constructed after January 1, 1981.

(5) Minor Repair. "Minor Repair" means repair performed for maintenance of replacement purposes on any existing one- or two-family dwelling (which dwelling was constructed after January 1, 1981) which does not effect 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 p

(6) One or Two-Family Dwelling. A "one or two-family dwelling" means 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.

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

(8) Uniform Dwelling Code. "Uniform Dwelling Code" means those administrative code provisions and any further amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- (a) Wisconsin Administrative Code Chapter Comm. 20 - Administration and Enforcement.
- (b) Wisconsin Administrative Code Chapter Comm. 21- Construction Standards.
- (c) Wisconsin Administrative Code Chapter Comm. 22 - Energy Conservation Standards.
- (d) Wisconsin Administrative Code Chapter Comm. 23 - Heating, Ventilation and Air-Conditioning Standards.
- (e) Wisconsin Administrative Code Chapter Comm. 24 - Electrical Standards.
- (f) Wisconsin Administrative Code Chapter Comm. 25 - Plumbing and Potable Water Standards.

#### **12.08 METHOD OF ENFORCEMENT**

For the purpose of administrating and enforcing the provisions of this Ordinance and the Uniform Dwelling Code, the Town shall appoint a building inspector for one and two-family dwellings, which shall be filled by that method prescribed under Section 12.09.

#### **12.09 BUILDING INSPECTOR**

(1) Creation and Appointment. There is hereby created the provision of building inspector for one and two-family dwellings. The building inspector shall be appointed by the Town Board. The building inspector shall be certified for inspection purposes by the Department in each of the categories specified under Section Comm. 20.10 Wisconsin Administrative Code.

(2) Subordinates. The building inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board. Any subordinate hired to inspect buildings shall be certified under Chapter COMM. 20.10, Wisconsin Administrative Code, by the Department.

(3) Duties. The building inspector shall administer and enforce all provisions of this Ordinance and the Uniform Dwelling Code.

(4) 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/her agent while in the performance of his/her 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 purposes and shall regularly number each permit in the order of its issuance. Also 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. The building inspector shall make a written, annual report to the Town Board relative to these matters.

#### **12.10 BUILDING PERMITS**

(1) The Building Permits Required. No one or two-family dwelling of which initial construction shall be commenced after the effective date of this ordinance shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner or his agent from the building inspector. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Dept. of Industry, Labor and Human Relations.

(2) Repairs and Additions Requiring Permits. No addition, alteration or repair to any existing one or two-family dwelling which was constructed after January 1, 1981, which is not deemed minor repair by the building inspector, shall be undertaken unless a building permit for this work shall first be obtained by the owner or his agent from the inspector.

(3) Submission of Plans. The applicant shall submit two sets of plans for all new or repairs or additions to existing one and two-family dwellings at the time that the building permit application is filed.

(4) Issuance of Permit. If the building inspector finds that the proposed building or repair or addition complies with all Town ordinances and the uniform dwelling code, the inspector shall official approve the application and the building permit shall be subsequently 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 building inspector.

#### **12.11 FEES FOR BUILDING PERMITS AND INSPECTIONS**

At the time the application for a building permit is filed, the applicant shall pay the required fee to the State Certified Building Inspector. Building permit fees are determined by the size and complexity of the home. Failure to obtain a permit prior to commencement of work will result in double fee prices. .

#### **12.12 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 Town Board.

### **12.13 LIABILITY FOR DAMAGES**

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

### **12.20 VIOLATION AND PENALTIES**

(1) No person shall erect, use, occupy or maintain any one or two-family dwelling in violation of any provision of this ordinance or the uniform dwelling code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$250.00 together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less one day or more than six months or until such forfeiture and costs are paid.

(2) If an inspection reveals a non-compliance with this ordinance or the uniform dwelling code, the building inspector shall notify the applicant and the owner in writing of the violations to be corrected. All cited violations shall be corrected within 30 days after written notification unless extension of time is granted pursuant to Section Comm. 20.10(1)(c), Wisconsin Administrative Code.

(3) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner, 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.

(4) Each day each violation continues after the 30 day written notice period has run shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance or the Uniform Dwelling Code.

(5) If any construction or work governed by the provisions of this ordinance or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.