

MODEL ORDINANCE

FOR ADOPTION OF THE STATES UNIFORM DWELLING CODE (UDC)

suggested by

Department of Industry, Labor & Human Relations (DILHR).
Safety and Buildings Division

It is intended that this model ordinance will assist municipalities, working with legal counsels to adopt a local ordinance for the purpose of exercising jurisdiction per ILHR 20.06 and s.s. 101.65 (see NOTE on last page).

ORDINANCE # 1995-05

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1.1 INTRODUCTION. The (City, Village, Town, County) of Burns is considering this ordinance pursuant to authority granted by Wisconsin State Statutes 101.65.

IF COUNTY ORDINANCE, it shall be enforced in any city, village or town within the boundaries of the county which has not enacted its own ordinance pursuant to Wisconsin s.s. 101.65

(a) Purpose.

- (I) To exercise jurisdiction over the construction and inspection of new one- and two-family dwellings.
- (II) To provide plan review and on-site inspections performed by inspectors or agencies certified by DILHR.
- (III) To establish use of standard building permit forms as prescribed by DILHR.
- (IV) To collect fees to defray administrative and enforcement costs.
- (V) To provide remedies and penalties for violations.

(b) Scope. This ordinance shall apply to all new one- and two-family dwellings and to all additions and alterations to such buildings built after June 1, 1980. Plans and inspection will cover topics of construction, heating, ventilating, electrical and plumbing.
(OPTIONAL - The scope of this ordinance shall also include additions and alterations to one- and two-family dwellings built before June 1, 1980. See NOTE under section 1.2.)

1.2 STATE UNIFORM DWELLING CODE (UDC) ADOPTED. Wisconsin Administrative Code Chapters ILHR 20 through 25, (whose effective date is June 1, 1980, except for Chapter 22 which was adopted December 1, 1978) are hereby adopted and by reference, made a part of this ordinance. Any future amendments and revisions to the UDC are also made a part of this ordinance in the interest of statewide uniformity. A copy of the UDC shall be kept on file in the office of the Building Inspector.

NOTE: In the opinion of the Wisconsin Department of Justice, if a municipality intends to include additions or alterations to dwellings existing prior to June 1, 1980 within the scope of this ordinance, such a provision must be specifically included in the ordinance.)

1.3 METHOD OF ENFORCEMENT. This ordinance will be enforced by using (indicate one of the below):

- (a) Individual municipal enforcement
- (b) Joint municipal enforcement (indicate with who)
- (c) Contract with certified inspector or independent inspection agency
- (d) Contract with another municipality (indicate with who)

1.4 BUILDING INSPECTOR. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance.

- (a) Appointment. The Building Inspector shall be appointed by this (common council, village board, town board, board of supervisors).
- (b) Qualifications. The building inspector(s) shall be certified as stated in ILHR 26.06 for categories under which they will conduct inspections.
- (c) General Powers and Duties. The Building Inspector shall administer and enforce all provisions of this ordinance. The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the inspector while in the performance of the duties described herein.
- (d) Records. The Building Inspector shall keep a record of all permit applications issued and inspections made. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the state. A record shall also be kept of all condemnation and removal of buildings. The inspector shall make an annual report to the appointing authority.

- 1.5 **BUILDING PERMIT REQUIRED.** No construction within the scope of this ordinance shall take place unless a building permit is first obtained for that work. The Building Inspector will issue the building permit to the owner or their authorized agent. (OPTIONAL - If construction commences prior to permit issuance, the permit fee shall be doubled.).
- (a) Application Forms to be Used. Building Inspector shall use forms prescribed by DILHR and file a copy of each form with DILHR 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.
 - (c) Issuance of Permit. If the Building Inspector determines that the building plans comply with local ordinances, a permit shall be issued. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit card shall be posted in a conspicuous place at the building site.
 - (d) Occupancy Permit. The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit if no violations exist that could reasonably be expected to affect health or safety.
 - (e) Permit Lapse. The building permit shall expire two years after issuance if the dwellings exterior has not been completed.
- 1.6 **UNSAFE BUILDINGS.** If a building is so old, dilapidated and so out of repair as to be dangerous, unsafe and unsanitary or otherwise unfit for human habitation and so that it would be unreasonable to repair, the Building Inspector shall order the owner to raze or remove the building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by Wisconsin State Statute 66.05.
- 1.7 **PERMIT FEES.** Building Permit fees which defray the cost of code enforcement, shall be determined and posted by the building inspector, and be approved by this board (see s.s. 101.65; alternatively, the municipality may specify the fees adopted).
- 1.8 **VIOLATIONS AND PENALTIES.** When the Building Inspector cites violations with this ordinance, the violations shall be promptly corrected. All written violations shall be corrected within 30 days unless an extension of time is granted pursuant to section ILHR 20.21 of the UDC.

(a) Stop Order (optional). The building inspector may issue a stop construction order (see authority in s.s 66.035, 66.122 and 62.17) for the following reasons:

- (I) If written violations are not corrected after 30 days,
- (II) Construction significantly and structurally deviates from approved plans,
- (III) When construction is deemed dangerously unsafe.

The stop construction order "Red Tag" shall be posted at the construction site and the owner shall be notified in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the building inspector authorizes the re-start.

(b) Penalties. Any person in violation with this code or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25 or more than \$500 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).

1.9 APPEALS. Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to this appointing authority. The municipality will follow procedures explained in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules ILHR 20.21.

2.0 EFFECTIVE DATE. This ordinance shall take effect upon passage and publication.

Dated this 27th day of April, 1995.

Officials

Marlin Young
Conrad Herman
Howard N. Holt

Attest:

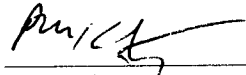
Bethel Horstman
Clerk

April 27, 1995
Date published or posted

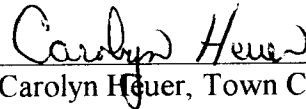
NOTE: This ordinance contains items generally covered by most municipalities. The model ordinance may be abbreviated provided it covers: scope (1.1.b), adoption (1.2), inspector qualifications (1.4.b), permit required (1.5), permit fees (1.7), penalties (1.8.b) and effective date (2.0).

Ordinance 1995-05, signed and dated April 27th, 1995, titled Model Ordinance For Adoption of the States Uniform Dwelling Code (UDC) suggested by Department of Industry, Labor & Human Relations (DILHR) Safety and Buildings Division, Section 1.4, section (a) is hereby amended to read as follows: (a) Appointment. The Building Inspector(s) shall be appointed by the town board. Section 1.5 (d) is hereby amended to read as follows: (d) Occupancy Permit. The dwelling may not be occupied until an occupancy permit/final inspection is issued. The Building Inspector(s) shall issue an occupancy permit/final inspection if no violations exist that could reasonably be expected to affect health or safety. The final inspection report if properly filled out will serve as the occupancy permit.

Approved by the Board.



Paul Kitzmann, Town Chairman



Carolyn Hauer, Town Clerk