

TOWN BUILDING CODE

12.01 TOWN BUILDING CODE

- (1) **Town Building Code.** The Town Building Code shall control all matters concerning the construction, alteration, addition, repair, removal, addition, use, occupancy, and maintenance of all buildings and structures as herein defined and shall apply to existing or proposed buildings and structures.

12.02 PURPOSE

The purpose of this Chapter is to:

- (1) Establish jurisdiction over the construction and inspection of new dwellings, additions and remodeling to these dwellings;
- (2) Establish jurisdiction over the construction and inspection of accessory buildings.
- (3) Provide for plan review and on-site inspections performed by persons or agencies;
- (5) Establish processes for the collection of fees to defray costs; and
- (6) Provide for remedies and penalties for violations.

12.03 SCOPE

The provisions of the Town Building Code shall apply to all structures and their appurtenant constructions.

12.04 STATE CODES ADOPTED

The following state codes, subsequent amendments and re-codifications thereto are hereby adopted by reference and incorporated in this chapter as if fully set forth.

- (1) Electrical code, Wisconsin Administrative Code Comm. 16.
- (2) Inspection and certification, Wisconsin Administrative Code Comm. 5.
- (3) Uniform dwelling code, Wisconsin Administrative Code Comm. 20-25

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- (4) To adopt and enforce the following exempt sections in the Wisconsin Administrative Code Comm. 20-25 to include the following:
 - (a) Wisconsin Administrative Code Comm. 20.05(1) Additions and alterations to existing dwellings built prior to June 1, 1980.
 - (b) Wisconsin Administrative Code Comm. 20.05 (3) Repairs or maintenance to dwellings.
 - (c) Wisconsin Administrative Code Comm. 20.05 (4) Accessory buildings but with the exclusions of the braced wall line requirements of the Wisconsin Administrative Code Comm. 21.25(8) & (9) and the energy conservation requirements of the Wisconsin Administrative Code Comm. 22.
- (4) Manufactured homes, Wisconsin Administrative Code chap. Comm. 26.
- (5) Building, heating, ventilating and air conditioning code, Wisconsin Administrative Code Comm. 60-66.
- (6) Plumbing code, Wisconsin Administrative Code Comm. 81, 82, and 84.

12.05 OFFICE OF BUILDING INSPECTOR

- (1) **Building Inspector.** The office of Building Inspector of the Town is hereby created and the executive official in charge thereof shall be known as the Building Inspector.
- (2) **Appointment.** The Building Inspector shall be appointed for a term of one (1) year in April by the Town Board and he shall not be removed from office except for cause and after full opportunity has been granted him to be heard on specific and relevant charges by and before the appointing authority.
- (3) **Organization.** The Building Inspector shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration of the Town Building Code and as authorized by the Town Board.
- (4) **Deputy.** The Building Inspector may designate an employee as his deputy who shall exercise all the powers of the building inspector during the temporary absence or disability of the Building Inspector and assume the Building Inspector's responsibilities.
- (5) **Restriction on Employees.** No official or employee connected with the department of building inspection shall be engaged in or directly or indirectly connected with the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, or the preparation of plans or of specifications therefore, unless he is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the department.
- (6) **Building Inspector's Personal Responsibility.** The Building Inspector, officer, or other employee charged with the enforcement of the Town Building Code, while acting for the Town, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit

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instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of the Town Building Code shall be defended by the Town until the final termination of the proceedings. In no case shall the Building Inspector or any of his subordinates be liable for costs in any action, suit, or proceeding that may be instituted in pursuance of the provisions of the Town Building Code; and any officer of the department of Building Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith. Should the town contract with an independent party to provide building inspection services, that person or company shall be required to carry professional services liability insurance coverage in the minimum amount of \$1 million dollars, provided by an insurance company acceptable to the Town of Neenah Board of Supervisors, and provide a certificate of insurance to that effect.

- (7) **Official Records.** An official record shall be kept of all business and activities of the department, and all such records shall be open to public inspection at all appropriate times. The Building Inspector shall submit a monthly report to the Town Board.
- (8) **Compensation.** A fee schedule shall be established by the Building Inspector, contingent upon the approval of the Town Board, stating that portion of each permit fee that shall be paid by the Town to the Building Inspector as compensation for his services. The Town Board may provide for additional compensation for services not covered by the fee schedule.

12.06 ORDINARY REPAIRS AND EXEMPT WORK

The work set forth in this section is exempt from the permit requirements. Notwithstanding permit requirements, however, such work shall comply with all other applicable rules, and standards set forth in this Code.

- (1) Alterations and repairs required for the maintenance and upkeep of any building or structure which do not:
 - (a) Exceed a labor and material cost of \$1,000.00.
- (2) The following conditions do not require a building permit:
 - (b) No change of building use.
 - (c) No change in living area.
 - (d) No affect to structural strength, fire hazards, exits or natural lighting.
 - (e) Does not involve the replacement of space heating, ventilating, cooling, water heating or other major equipment.
 - (f) Siding, roofing, or window replacements installed on one-family and two-family dwellings.
- (3) Fences (refer to County Zoning Ordinances)

12.07 APPLICATION FOR PERMIT

- (1) **When Permit is Required** - It shall be unlawful to construct, enlarge, alter, remove, demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit, or sanitary provisions; to change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the Town Building Code, without first filing an application with the Building Inspector on the form provided in writing and obtaining the required permit therefore, except that ordinary repairs as defined in Section 12.06 above which do not involve any violation of the Town Building Code shall be exempt from this provision.
- (2) **By Whom Application is Made** - Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either or by the licensed engineer or architect employed in connection with the proposed work. The full names and addresses of the owner, lessee, and applicant shall be stated in the application.
- (3) **Description of Work.** The application shall contain a general description of the proposed work, its locations, the use and occupancy of all parts of the building or structure and such additional information as may be required by the Building Inspector.
- (4) **Plans and Specifications.** The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Town Building Code, specific information shall be given to establish such quality, and in no case shall this Code be cited or the term "legal" or its equivalent be used as a substitute for specific information.

12.08 DUTIES AND POWERS OF BUILDING OFFICIAL

The Building Inspector shall enforce all the provisions of the Town Building Code and shall act on any question related to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, location, use, occupancy, and maintenance of all buildings and structures, except as may otherwise be provided for by statutory requirements by using the State Uniform Building Code or as herein provided.

- (1) **Applications and Permits.** He shall receive all applications and be responsible for all permits issued for the erection and alteration of buildings and structures and the examination of premises for which such permits have been issued and the enforcement of compliance with the Town Building Code provisions.
- (2) **Building Notices and Orders.** He shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, and to insure compliance with all the code requirements for the safety, health, and general welfare of the public.

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- (3) **Inspections.** He shall make all the required inspections, or he may accept reports of inspection of authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.
- (4) **Right to enter.** In the discharge of his duties, the Building Inspector or his authorized representative may enter at any reasonable hour any building, structure, or premises in the Town to enforce the provisions of the Town Building Code.
- (5) **Department Records.** He shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. File copies of all papers in connection with building operations shall be retained in the official records for seven (7) years; in the permanent records.
- (6) **Reports.** He shall submit periodic reports as required by the Town Board and an annual report summarizing the preceding year to the Town Board.

12.09 RULES AND REGULATIONS

- (1) **Rule Making Authority.** The Building Inspector shall have power as may be necessary in the interest of public safety, health, and general welfare to interpret and implement the provisions of the Town Building Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fire resistance requirements specifically provided in the Town Building Code or of violating accepted engineering practice involving public safety.
- (2) **Amendment of Rules.** All rules adopted by the procedure herein established shall have the same effect as provisions of the Town Building Code, but such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption.

12.10 MODIFICATIONS

- (1) **Variations.** When there are practical difficulties involved in carrying out structural or mechanical provisions of the Town Building Code or of an approved rule, the Building Inspector may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.
- (2) **Written Modification.** The application for modification and the final decision of the Building Inspector shall be officially recorded with the permanent application for the permit in the permanent records.

12.11 INSPECTIONS

- (1) **Required Inspection process.** All inspections, for the purpose of administering and enforcing this code, shall be performed in accordance with the Wisconsin Administrative Code Comm. 20.10. The applicant or an authorized representative shall request inspections from the Building Inspector enforcing this code.
- (2) **Final Inspections for new 1 and 2 family homes, additions, and remodeling.** A final inspection must be conducted and approved before any type of occupancy.
- (3) **Building Escrow fees and return.** All new 1 and 2 family homes will be subject to a \$300 building escrow fee included with the building permit fees. The building escrow will be returned in full or part only after:
 - (a) An approved final inspection and before the dwelling is occupied. If the dwelling is occupied before an approved final inspection the balance of the building escrow will be forfeited.
 - (b) Any additional inspections have been paid in full.
 - (c) The electrical, plumbing, and HVAC permits are paid in full.
 - (d) The culvert is installed correctly.
 - (e) All of the required inspections have been completed and approved.
 - (f) Any additional Town ordinance violations or damages to Town property have been corrected.

Any unpaid permit fees will be deducted from escrow.

- (4) **Building Inspection Fee Schedule** – Refer to the fee schedule available in the clerk's office and Town of Neenah website as amended from time to time.

12.12 PERMIT APPLICATION PROCESS

An application for a permit shall be submitted by the property owner or his authorized agent and shall be made in writing upon a form furnished by the Building Inspector. All permit applications shall contain:

- (1) The street address of the land upon which the work is proposed;
- (2) The name, mailing address and phone number of the property owner;
- (3) The name, mailing address, phone number and contractors licenses numbers of the engineer, architect, designer, contractor or owner's agent responsible for the work;
- (4) A general description and location of the proposed work;
- (5) The proposed use and occupancy of all parts of the building or structure; and
- (6) Such other information as required by law or by the Building Inspector.

12.13 REQUIRED PLANS

A complete set of building, electrical, plumbing, heating, ventilation and air conditioning (HVAC) plans shall accompany every permit application and shall be filed in duplicate with the Building Inspector along with specifications when applicable. All plans submitted shall be legible, drawn to scale, fully dimensioned and shall contain sufficient information to determine compliance with this chapter and all other applicable regulations. Plans shall be prepared in accordance with the provisions of this chapter, shall bear the name of the architect, engineer or designer who prepared them, and shall be of sufficient clarity to accurately describe the nature and character of all proposed work. Plans requiring review and approval by other Town departments, boards or commissions, or state agencies, such as the state department of commerce, shall be reviewed and marked "approved" or "conditionally approved" by such departments, boards, commissions or agencies prior to submittal for permits.

12.14. WAIVER OF PLANS

The Building Inspector may waive the requirement for filing of plans or portions thereof when the proposed work is minor in nature, when plans would not sufficiently describe the nature and character of the project, or when the work involved is adequately described on the permit application. A detailed written description of all work proposed may also be substituted for plans required in section 12.07 at the discretion of the Building Inspector.

12.15 AMENDMENTS TO PLANS

Subject to the limitations described in section 12.07, amendments to a plan, application or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments shall be subject to the same review, approval procedures, and plan review fees as the original plans, shall be deemed part of the original permit application, and shall be filed therewith.

12.16 TIME LIMITATIONS

A permit application for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued, except that the Building Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

12.17 PLAN REVIEW AND PERMIT ISSUANCE

The Building Inspector shall examine all permit applications, plans and amendments thereto within a reasonable period of time after filing. If the work described on the application, plans and specifications substantially conforms to the provisions of this chapter and all other applicable codes, ordinances, rules, regulations, laws and statutes of the Town and the state, the Building Inspector shall, upon receipt of required permit fees, issue applicable permits for such work and shall sign, date and mark the plans "approved" or "conditionally approved." One set of approved plans and specifications shall be retained by the Building Inspector and kept on file in the Town as an official public record. One set of approved plans and specifications shall be returned to the applicant who shall keep such plans and specifications available at the job site at all times until the work authorized thereby is completed. Such approved plans and specifications shall not be changed, altered or modified in any respect which involves any of the laws, ordinances or

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administrative rules referred to in this chapter, or which involves the safety of the building or its occupants, except as specifically authorized by the Building Inspector.

12.18 PERMIT POSTING

Except as specifically authorized by the Building Inspector, every permit issued pursuant to section 12.07 shall be posted or displayed in a conspicuous location at the job site prior to commencement of construction and shall remain posted until all work authorized by such permit is completed.

12.19 PERMIT EXPIRATION

Except as specifically regulated in Wisconsin Administrative Code Comm. 20.09, a permit issued pursuant to section 12.07 shall lapse and be void six months from the date of issuance if construction authorized by the permit has not commenced, and no such permit shall be valid for a period longer than 24 months from the date of issuance, except where an application to renew the permit is approved by the Building Inspector and additional permit fees are paid in accordance with section 12.11.

12.20 PERMIT TO START CONSTRUCTION

The Building Inspector may issue a permit to start construction authorizing specific work to commence prior to submittal of complete plans and specifications for a building or structure and prior to issuance of permits required by section 12.07. An applicant for a permit to start construction shall agree to proceed with site development, excavation, footing and/or foundation work only and shall not continue beyond such point until plans and specifications have been reviewed and required permits have been issued as set forth in section 12.07. The applicant shall further agree to make any changes required after complete plans and specifications have been reviewed and to remove or replace any portion of the building or structure which is subsequently found to be in violation of any of the provisions of this chapter. The holder of a permit to start construction shall proceed with work covered by such permit without assurance that approvals will be granted or required permits issued for the remainder of the building or structure.

12.21 UNSAFE OR UNSIGHTLY BUILDINGS

(1) **Correction orders** (In accordance with Wis Stat 66.0413)Whenever the Building Inspector finds any building or structure or any portion thereof within the Town to be in his judgment so old, dilapidated, poorly constructed, inadequately maintained, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, he shall order the owner of the property to raze and remove the building or structure or portion thereof, or effect such repairs as are necessary to make it safe and sanitary in accordance with the regulations and procedures prescribed in Wis. Stats. § 66.0413.

(2) **Emergency measures.** Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed. The expenses of such work may be recovered by the Town in an action against the property owner.

12.22 RAZING OR DEMOLITION OF BUILDINGS

- (1) **Required permits.** A permit shall be obtained from the Building Inspector in accordance with the regulations set forth in 12.07 of this chapter prior to the razing or demolition of any building or structure in the Town.
- (2) **Service connections.** Before a building or structure is demolished or removed, the property owner or agent shall notify all utility companies having service connections (water, sewer, gas, etc.) within the building or structure and all such connections and appurtenant equipment shall be removed, disconnected and/or sealed and plugged in a safe and approved manner.
- (3) **Site restoration.** Whenever a building or structure is razed or demolished hereunder:
 - (a) All trash, debris and materials resulting from such demolition shall be removed from the property and properly disposed of;
 - (b) All basements and other excavations and depressions revealed by such demolition shall be filled to the general grade of the surrounding premises;
 - (c) All remaining accessory buildings and concrete or asphalt surfacing shall be demolished and/or removed, unless intended to be used in connection with the proposed future use of the property.
 - (d) All resulting vacant areas shall be properly graded and seeded or planted as required in accordance with erosion control requirement.

12.24 IMPACT FEES

- (1) **Purpose.** The purpose of this Section is to establish a mechanism for the imposition of impact fees upon development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate such development. This Section is intended to assure that development bears an appropriate share of the cost of current and previous capital expenditures as are necessary to provide such public recreational facilities as are required to serve the needs arising out of current and future development. This Section is not intended to limit the authority of the Town to finance public facilities by any other means authorized by law.
- (2) **Authority.** This Section is passed pursuant to Wis. Stat. Chapter 66.0617.
- (3) **Definitions.** All words in this Section shall have the same meanings as set forth in Wis. Stat. Chapter 66.0617(1).
- (4) **Documentation.** The Town of Neenah Open Space and Recreation Plan, prepared by the Town of Neenah Park Committee and the East Central Wisconsin Regional Planning Commission, contain the needed assessment for the impact fees identified in this Section and demonstrates Town compliance with the requirements of Wis. Stats. Chapter 66.0617(4), and shall be kept on file and available for public inspection in the Office of the Town Clerk.

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- (5) **Revenues.** Revenues collected by the Town as public recreational impact fees shall be placed by the Town Treasurer in a segregated, interest-bearing account, and shall be separately accounted for from other funds of the Town. Impact fee revenues and interest earned on impact fee revenue may be expended by the Town only for the capital costs for which the impact fees were imposed.
- (6) **Time Limit for Expenditures.** The maximum length of time appropriate for the planning, financing, acquisition, construction, and equipping of the public recreational facilities shall be seven (7) years. Fees held by the Town and not used within the time period specified herein shall be refunded to the persons who are the owners of record, at the expiration of such time period, of the property with respect to which the impact fees were imposed.
- (7) **Impact Fee Calculation.** The public recreational impact fee for a residence shall be calculated by the Town on a per unit (i.e. a two-apartment duplex equals two (2) units) basis and paid prior to the issuance of a building permit. Refer to current Building Permit fee schedule.
- (8) **Exemptions.** Any development affected by a public recreational impact fee imposed under this Section, which received a building permit prior to May 28, 2004, shall be exempt.
- (9) **Payment of Impact Fees.** All required impact fees, unless expressly exempted in this Section, shall be paid in full prior to a building permit being issued for the construction for which the impact fee is to be imposed. Impact fee payments shall be the responsibility of the owner of record at the time the building permit is requested.
- (10) **Audit.** The public recreational impact fee account shall be included in the annual audit of Town funds. The Account shall be audited in the same manner as other Town funds.

12.25 PENALTIES

- (1) The Town Board shall provide for the enforcement of the Town Building Code and all other laws and ordinances relating to buildings by having the Building Inspector withhold building permits, impose up to double fee, or take legal action.
- (2) Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00), nor more than \$500.00, together with the costs of prosecution; each day of noncompliance with any such provision shall constitute a separate violation.

12.26 SWIMMING POOLS - See County Zoning Ordinances

12.27 MOVING OF BUILDINGS

- (1) **Permit Required.** No building shall be moved over the streets of the Town, into the Town, out of the Town, or from one location to another within the Town, without a permit as described below.

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- (2) **Application for Permit.** Any person who desires to move a building under Subsection (1) above shall make a written application to the Building Inspector for a permit. The application shall:
- (a) Be signed by the owner of the building or an authorized agent of the owner.
 - (b) State the kind and size of the building, the place from which and to which it is to be moved, the route to be followed, and the time of removal.
 - (c) Include an agreement by the applicant to pay for any damage caused by such removal to any public or private property, including but not limited to any sidewalk, terrace, curb, gutter, street, or pavement, or the cost and expense of restoring the same to as good condition as they were before the move where it is possible to do so.
 - (d) Indicate whether any telephone, electrical, or other utility lines or installations will be affected by the proposed move.
 - (e) Include the appropriate permit application fee as specified by the Town of Neenah Fee Schedule.
- (3) **Bond and Conditions for Moving.** The Building Inspector may require the applicant to post a bond for an amount which is reasonably calculated to secure compliance with Subsection (2) (c) above. The Building Inspector may determine or approve the time, manner, fee, conditions, and route for each move.
- (4) **Penalties.** Any person violating the provisions above will be subject to forfeiture of \$1,000.00 for each offense, plus pay for any actual or consequential damage to public or private property arising from the move or violation. Any person subject to forfeiture under this section must also pay the costs of prosecution. Each day that an improperly moved building remains in violation shall constitute a separate offense.
- (5) **Standard Permits Apply.** In addition to the provisions above, a moved building requires all appropriate permits, including but not limited to building permits.

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