

TITLE 15

Building Code

Chapter 1 Building Code

Title 15 ► Chapter 1

Building Code

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
15-1-3	State Uniform Dwelling Code Adopted
15-1-4	Construction Standards; Codes Adopted
15-1-5	Electrical Permits and Inspections
15-1-6	Plumbing Permits and Inspections
15-1-7	New Methods and Materials
15-1-8	Unsafe Buildings
15-1-9	Disclaimer on Inspections
15-1-10	Regulation and Permit for Razing Buildings
15-1-11	Basements; Excavations
15-1-12	Regulations for Moving Buildings
15-1-13	Fees
15-1-14	Severability
15-1-15	Penalties and Violations

Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Lowell" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.**
 - (1) **Inspection Building Permits.** Inspection by Town of Lowell Building Inspector is required of:
 - a. New one- and two-family residential buildings and structures.
 - b. New residential additions and alterations of one- and two-family dwellings for:

1. One- and two-family dwellings built after June 1, 1980 with a labor and materials cost over Five Thousand Dollars (\$5,000.00).
 2. One- and two-family dwellings built prior to June 1, 1980 with a labor and materials cost over Fifteen Thousand Dollars (\$15,000.00).
 - c. Other residential dwellings moved onto a site within the Town of Lowell.
- (2) **Non-Inspection Building Permit.** A non-inspection permit (no inspection necessary) called an administrative permit is required for:
- a. New residential additions, and alterations, over Five Thousand Dollars (\$5,000.00) and under Fifteen Thousand Dollars (\$15,000.00) (labor plus materials) for one- and two-family dwellings built prior to June 1, 1980.
 - b. Detached garages greater than one hundred fifty (150) square feet in area and over Five Thousand Dollars (\$5,000.00) (labor plus materials) serving one- and two-family dwellings.
 - c. Any agricultural building over Five Thousand Dollars (\$5,000.00) (labor plus materials).
- (3) **Commercial and Multi-Family Structures.** Commercial buildings and new multi-family structures require an administrative permit and, in addition, must meet state and county requirements and obtain any state required permits and inspections at the applicant's cost and provide copies of such to the Town.
- (4) **Permits Not Required.** The following construction shall not require an inspection or an administrative building permits.
- a. Re-siding, re-roofing and finishing of interior surfaces;
 - b. Installation of cabinetry;
 - c. Remodeling (not falling under UDC requirements) with materials and labor cost under Five Thousand Dollars (\$5,000.00);
 - d. Repairs which are deemed minor;
 - e. Normal repairs and/or replacement of HVAC, plumbing and electrical equipment or systems.

Sec. 15-1-2 Building Permits and Inspection.

- (a) **Application.** Application for all building permits shall be made to the Town's designated representative.
- (b) **Uniform Dwelling Code Permits.**
 - (1) Building permits falling under UDC (Uniform Dwelling Code) requirements will be issued by the Town's Building Inspector. The UDC requires inspections of new one- and two-family residential buildings and structures, new residential additions for one- and two-family dwellings built after June 1, 1980, as well as other residential dwellings moved onto a site within the Town (foundation, HVAC, plumbing, electrical, gas and any other connections are inspected).

- (2) Building permits not falling under UDC requirements shall be issued by the Town's designated representative; no inspection will be necessary. Fees shall be payable to the Town of Lowell.
- (c) **Fees.** Fees for all building permits and inspections shall be payable to the Town of Lowell. Upon application to the Town, the Town's representative will apply the appropriate fee schedule and provide payments due dates to the applicant.
- (d) **Inspection Permit Required.** No person shall build, excavate for, erect or construct and/or add new addition(s) to: any one- or two-family dwelling (built after June 1, 1980) with a labor and materials cost greater than Fifteen Thousand Dollars (\$15,000.00), or move a residential dwelling onto a site in the Town without obtaining a building permit therefore from the Building Inspector.
- (e) **Certified Inspector.** The Inspector shall be certified by the Division of Safety and Buildings, as specified by Sec. 101.66(2), Wis. Stats., in the category of Uniform Dwelling Code Construction Inspector. This or other assistant inspectors shall possess the certification categories of UDC, HVAC, UDC electrical, and UDC plumbing.
- (f) **Permit Application Procedure.**
 - (1) Any person desiring a building permit shall file with the Town's designated representative an application therefore in writing on a blank form to be furnished for that purpose.
 - (2) 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, property tax bill pin number and street number, if any, or a similar general description that will readily identify and 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 Town of its Building Inspector.
 - (3) Copies of the plans and specifications and a plot plan showing the location of the proposed building with distances to all property lines as well as every existing building thereon shall accompany every application for a permit and shall be filed in duplicate with the Town's designated representative or 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 (1/8":1'). 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, street diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Building Inspector.
 - (4) All plans shall bear the name of the architect, engineer or person responsible for their preparation.
 - (5) 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 Chapter and all other laws or ordinances applicable thereto, the

- Building Inspector shall, upon receipt of the required fee, issue a permit therefore. 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.
- (6) 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.
- (g) **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.
- (h) **Time of Permit Validity.** A permit under which no work is commenced within two (2) years 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.
- (i) **Correction of Violations.** Violations discovered by the Building Inspector shall be corrected within thirty (30) days, or more if allowed by the Building Inspector, after written notice is given.
- (j) **Inspections.** Inspections required under the provisions of this Chapter shall be made by the Building Inspector. 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/her 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 two (2) business days after notification, unless delayed by weather or other circumstances beyond the control of the Building Inspector. Inspections shall be made of all new one- and two-family dwellings, new residential additions, as well as other residential dwellings moved onto a site within the Town. Normally, inspection will be made as follows:
- (1) **Footing Inspection.** A 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.
 - (2) **Foundation Inspection.** A foundation inspection is to be made after the foundation is in place, foundation drain tile is in place, but before the backfill is placed or the superstructure is placed thereon. (Inspections under Subsection (j)(1)-(2) might be combined as a single inspection upon the Building Inspector's discretion.)
 - (3) **Frame and Mechanical Rough-in Inspection.** A framing and rough-in 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 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.

- (4) **Final Inspection.** A 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.
- (5) **Additional Inspections.** The Building Inspector may require further inspection when, due to topography or the materials used in construction, special circumstances exist which make such further inspections necessary.

(k) **Revocation of Permits.**

- (1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation

whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. COMM 16-17	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Ch. COMM 26	Inspection Certification
Chs. COMM 67	Rental Unit Energy Efficiency
Chs. COMM 69	Barrier Free Design
Ch. COMM 70	Historic Building Code
Chs. COMM 81-86	Uniform Plumbing Code

- (2) Chapters COMM 50 through COMM 66, Wis. Adm. Code (Wisconsin State Building Code), COMM 75-79, Wis. Adm. Code (Existing Buildings Code) and COMM 70, Wis. Adm. Code (Historic Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.
- (3) By virtue of adopting COMM 61.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code® – 2000*, subject to the modifications specified in COMM 61-62, Wis. Adm. Code.
 - IECC.** The *International Energy Conservation Code® — 2000*, subject to the modifications specified in COMM 63, Wis. Adm. Code.
 - IMC.** The *International Mechanical Code® – 2000*, subject to the modifications specified in COMM 64, Wis. Adm. Code.
 - IFGC.** The *International Fuel Gas Code® – 2000*, subject to the modifications specified in COMM 65, Wis. Adm. Code.

- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Building Inspector's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Town Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
- (c) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
 - (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
 - (3) **Department.** The Wisconsin Department of Commerce, formerly the Department of Industry, Labor and Human Relations.
 - (4) **Dwelling.**
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) 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 (1) or two (2) family dwelling.
 - (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect structural elements, 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 performed which is deemed minor repair.
 - (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.

- (7) **Person.** An individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** Those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- Wis. Adm. Code Chapter COMM 20 — Administrative and Enforcement
- Wis. Adm. Code Chapter COMM 21 — Construction Standards
- Wis. Adm. Code Chapter COMM 22 — Energy Conservation Standards
- Wis. Adm. Code Chapter COMM 23 — Heating, Ventilating and Air Conditioning
- Wis. Adm. Code Chapter COMM 24 — Electrical Standards
- Wis. Adm. Code Chapter COMM 25 — Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.
- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (4) **Inspection 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 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 Building 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 issue. Also, a 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 (1) and two (2) family dwellings shall be kept.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters COMM 50 through COMM 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of

this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Town Clerk.

- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Town Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 Electrical Permits and Inspections.

- (a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code. A copy of such code shall be kept on file in the office of the Building Inspector.
- (b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
- (c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person

doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, he/she shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector. No such electrical equipment shall be used until such certificate has been issued.

Sec. 15-1-6 Plumbing Permits and Inspections.

- (a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
- (1) As defined in Sec. 145.01(1)(a), (c), (d) and (e), Wis. Stats.
 - (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- (b) **Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his/her examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of COMM 82.21, Wis. Adm. Code, is necessary, he/she may require a water or air test on all or part of the installation.
- (c) **Applications and Permits.**
- (1) **Application.** No plumbing shall be installed in the Town without first filing an application and receiving a permit. This shall apply to any building located outside the limits of the Town before such building may be connected to the Town sewer or water system. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his/her home.
 - (2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

Sec. 15-1-7 New Methods and Materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of

Commerce (formerly the State Department of Industry, Labor and Human Relations) for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Commerce (formerly the State Department of Industry, Labor and Human Relations).

Sec. 15-1-8 Unsafe Buildings.

- (a) Whenever the Building Inspector or Town Board find any residential or commercial building or part thereof within the Town of Lowell to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.
- (b) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the Building Inspector may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Chapter and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Chapter.
- (c) In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the Building Inspector may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner, and may be applied as a special charge on the owner's real estate tax bill.
- (d) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the Building Inspector may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure, and prohibit the same from being used.

Sec. 15-1-9 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Lowell. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-10 Regulation and Permit for Razing Buildings.

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a residential or commercial structure larger than six hundred (600) square feet within the Town of Lowell shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (b) **Application.** An application for a razing permit to demolish all or part of a building shall include the following information:
- (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
 - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
 - (3) The date upon which demolition is to commence;
 - (4) The date by which demolition shall be complete;
 - (5) In the case of commercial or industrial structures, a list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of;
 - (7) A description of the method of demolition to be used;
 - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties; and
 - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service

connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(c) **Demolition.**

- (1) The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (2) Before a building can be demolished or removed, the owner or his/her agent shall notify all utilities having service connections within the building, such as waster, electricity, gas, sewer and other connections.
- (3) Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately upon displacement.

(d) **Clearing and Leveling the Site.**

- (1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the grade of the property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed, pursuant to Section 15-1-11.
- (2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.

(e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations.

(f) **Razing Permit Validity.**

- (1) 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 must have special approval from the Building Inspector.

Sec. 15-1-11 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-12 Regulations for Moving Buildings.

(a) General Requirements.

- (1) No person shall move any residential, commercial or industrial building or structure upon any of the public ways of the Town of Lowell without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. No building or structure of any type can be parked or temporarily stored in the Town for a period of more than seventy-two (72) hours, without the issuance of a permit hereunder before the building or structure is moved into Town. All buildings or structures that are moved into the Town must be made ready for occupancy within one (1) year of the issuance of the permit.

- (2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Town Clerk prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.
- (b) **Moving Damaged Buildings.** No building within the scope of this Section shall be moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Town. Such determination shall be made by the Building Inspector, who may seek a recommendation from the Town Assessor.
 - (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.
 - (d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.
 - (e) **Conformance with Code.** No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. The permit, inspection and regulatory requirements of Section 15-1-2, particularly Subsection (b) thereof, shall be complied with. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some

point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building within the scope of this Section over any public way in the Town, the party applying therefor shall give a bond to the Town of Lowell in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary.

Sec. 15-1-13 Fees.

- (a) **Permit Fees.** Before receiving a building permit, the owner or his/her agent shall pay to the Town of Lowell the required permit fees, established by resolution of the Town Board.
- (b) **No Permit Penalty .** In the event work is commenced prior to obtaining a building permit, all fees shall be doubled.

Sec. 15-1-14 Severability.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Sec. 15-1-15 Penalties and Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed; violators may also be subject to a penalty as provided in general penalty provisions of Section 1-1-6 of this Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter. Each day a violation continues to exist shall constitute a separate and distinct offense.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or 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.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (5) 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 Chapter or any other laws or ordinances applicable thereto.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Lowell charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.
- (e) The Town Board, or a board or commission appointed by the Town Board, shall hear requests for variances from the Building Code to the extent the Town Board has authority to hear or grant variances. The Town Board or its agent shall approved, conditionally approve, or deny a requested variance. The Town Board or its agent may grant a variance from a Code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.