

CHAPTER 31

ONE- AND TWO-FAMILY DWELLING CODE

Section 31.01	APPLICATION OF PROVISIONS
Section 31.02	STATE UNIFORM DWELLING CODE ADOPTED
Section 31.03	DEFINITIONS
Section 31.04	METHOD OF ENFORCEMENT
Section 31.05	ENFORCEMENT CONTRACT
Section 31.06	BUILDING PERMITS
Section 31.07	FEES FOR BUILDING PERMITS AND INSPECTION
Section 31.08	VIOLATIONS AND PENALTIES
Section 31.09	APPEAL TO BOARD OF APPEALS
Section 31.10	LIABILITY FOR DAMAGES
Section 31.11	SEVERABILITY

ONE- AND TWO-FAMILY DWELLING CODE

CHAPTER 31

Section 31.01. APPLICATION OF PROVISIONS.

(1) Title. This ordinance shall be known as the one- and two-family dwelling Code of the Village of River Hills.

(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;

[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; and

[e] Establish use of the Wisconsin uniform building permit as prescribed by the Department of Industry, Labor and Human Relations.

Section 31.02. STATE UNIFORM DWELLING CODE ADOPTED. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters Ind. 20 - 25 of the Wisconsin Administrative Code 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 uniform statewide regulation of one- and two-family dwellings in the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk's office.

Section 31.03. 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.

(5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwellings which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exists, 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- Or Two-Family Dwelling. "A one- or two-family dwelling" means a building structure designed for occupancy as one or two separate residences by one or two families.

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

(8) Family. "Family" has the same definition as found in Section 7.05(5) of the Village Ordinances.

(9) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapter of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter Ind. 20 - Administration and Enforcement

Wis. Adm. Code Chapter Ind. 21 - Construction Standards

Wis. Adm. Code Chapter Ind. 22 - Energy Conservation Standards

Wis. Adm. Code Chapter Ind. 23 - Heating, Ventilation and Air Conditioning Standards

Wis. Adm. Code Chapter Ind. 24 - Electrical Standards

Wis. Adm. Code Chapter Ind. 25 - Plumbing and Potable Water Standards

(10) Certified Inspector. In the context of this ordinance, the terms "certified inspector" and "Building Inspector" shall be deemed synonymous and interchangeable.

Section 31.04. METHOD OF ENFORCEMENT. For the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code, the Village shall contract with a certified individual inspector.

Section 31.05. ENFORCEMENT CONTRACT.

(1) Contract. The Village shall contract with an individual who is certified by the department in each category specified under sec. Ind. 26.06 Wisconsin Adm. Code, and by the Department of Health and Social Services in the category of plumbing, for the purpose of administering and enforcing the provisions of this ordinance and the Uniform Dwelling Code. The Village Clerk shall forward all building permit applications and submitted plans to the certified inspector with whom the Village has contracted.

(2) Powers. The certified inspector may at all reasonable hours enter upon any public or private premises within the Village 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 a certified inspector while in the performance of his/her duties.

(3) Records. The Village Clerk shall perform all the administrative tasks required by the department. The Village Clerk shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue.

Section 31.06. BUILDING PERMITS.

(1) Building Permits Required. No one- or two-family dwelling of which initial construction shall be commenced after June 1, 1980, 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 certified 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 Department of Industry, Labor and Human Relations.

(2) Submission of Plans. The applicant shall submit two (2) 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.

[a] Erosion Control Requirements. All applications for building permits shall also contain the following information, and all building permits shall be subject to the following requirements:

1. An erosion control plan statement with a simple map shall be submitted to describe the area to be disturbed and the erosion control measures to be employed. The statement shall also give the proposed site development schedule.

2. Provision shall be made for water being pumped from the site during construction, indicating measures to be used for control of runoff.

3. Filter fences, straw bales or equivalent control measures shall be placed along all sideslope and downslope sides of the construction site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

4. Approval of the erosion control plan by the Village Engineer, and installation of all erosion control measures, shall be in place prior to any clearing or excavation within the site. The Village may place an immediate stop-work order on the project if no permit has been given, or if the permittee does not comply with the approved plan.

5. If the area to be disturbed during construction of the building or buildings exceeds 10,000 square feet, the requirements of Chapter 15 of the General Ordinances of the Village shall apply.

(3) Issuance of Permit. If the certified inspector finds that the proposed building or repair or addition complies with all Village ordinances and the Uniform Dwelling Code, the inspector shall officially approve the application and a 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 Village Clerk.

Section 31.07. FEES.

(1) Administrative Fees. A non-refundable administrative fee as set forth in the schedule of fees as adopted and subject to amendment from time to time by Resolution of the Village Board shall be paid in addition to the permit and inspection fees. The Resolution and the applicable schedule of fees shall be kept on file in the Office of the Village Clerk and will be posted on the village website. (Amd Ord #537, 10/16/19)

(2) Permit and Inspection Fees: The applicable building permit and inspection fees shall be the Wisconsin Uniform Building Code schedule of fees, except as modified in a schedule of fees adopted by Resolution of the Village Board. The fees shall be applicable upon

adoption of the Resolution of the Village Board approving the schedule of fees. The applicable schedule of fees and the Resolution adopting the fees shall be kept on file in the Office of the Village Clerk. (Rep. & Rec. Ord. 491, 1/18/05)

Section 31.08. VIOLATIONS 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 Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution; and in default of payment thereof, may be imprisoned for a period of not more than thirty (30) days or until such forfeiture and costs are paid.

(2) If an inspection reveals a noncompliance 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 thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. Ind. 20.10(1)(c) Wisconsin Adm. Code.

(3) 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.

(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 Village 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.

Section 31.09. APPEAL TO BOARD OF APPEALS. Any person feeling aggrieved by an order or a determination of the certified inspector may appeal from such order or determination to the Board of Appeals. All such appeals shall be governed by the provisions of Section 7.16(3) of the Village Ordinances.

Section 31.10. LIABILITY FOR DAMAGES. This ordinance shall not be construed as an assumption of liability by the Village for damages because of injuries sustained or property

destroyed by any defect in any dwelling or equipment.

Section 31.11. SEVERABILITY. If any section, clause, provision or portion of this chapter or of chapters Ind. 20, 21, 22, 23, 24, and 25 Wisconsin Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.