

Chapter 8

Building Regulations

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8.01 Permits Required.

- 1) General Permit Requirement. No building, plumbing, or electrical work shall be performed in the Town of Hustisford unless a permit therefore is obtained as required in the provisions of this Chapter. "Building", as used in this Chapter shall include, but not be limited to, all building work, additions, renovations, etc., which is performed within the Town of Hustisford.
- 2) Payment of Fees. All fees shall be paid to the Town Treasurer and his receipt showing that the fees prescribed by Ordinance have been paid presented to the building Inspector before the Inspector shall issue to the owner, or his agent, a building, electrical or plumbing permit.
- 3) Permit Lapses. A building, electrical, or plumbing permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.
- 4) Revocation. If the building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plans and specifications are not being complied with, and that the

holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building, electrical, or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, excepting such work as the building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require for the preservation of human life and safety or property.

- 5) Report of Violations. It shall be the duty of all Town Board to report at once to the Building Inspector any building, electrical or plumbing work which is being carried on without a permit as required by this ordinance.
- 6) Records. The building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Town board.

8.02 Building Permits and Inspection.

- 1) Building Permits and inspections.
 - a) Permit Required. No building or any part thereof shall hereafter be erected within the Town of Hustisford or ground broken for the same, except as hereinafter provided, until a permit therefore shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building" as used in this section shall include any building or structure, and any enlargement, alteration, addition, renovation, heating or ventilation installation, moving or demolishing, or anything affecting the fire hazards or safety of any building or structure.
 - b) Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land, and also the owner of the building, if different, the legal description of the land upon which the building is to be located, and shall contain such other information as the Building Inspector may require for effective enforcement of this section.
 - c) Plans. With such application there shall be submitted one (1) complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining streets, alleys, lot lines and buildings. Plan for buildings required to comply with the State Building Code shall bear a stamp of approval from the Industrial Commission. Plans and specifications shall remain on file in the office of the Clerk. All plans and specifications shall be signed by the designer.

- d) Waiver of Plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving provided the cost of such work does not exceed \$2,000.00.
- e) Approval of Plans. If the building Inspector determines that the proposed building will comply in every respect with all Ordinances of the Town and all applicable laws and orders of the State of Wisconsin, he shall officially approve the set of plans, and shall issue a building permit therefor which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned ordinances, laws and orders, or which involves the safety of the building or occupants, except with the written consent of the Building inspector.
- f) Minor Repairs. The Building Inspector may authorize minor repairs or alterations valued at less than \$500.00 which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.
- g) Fees. The fees for building permits shall be \$10.00
- h) Inspection of Work. The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion he shall make a final inspection of all new buildings and alterations.

2) Construction Standards:

- a) FHA Standards Adopted. The following sections of the Federal Housing Administration "Minimum Property Requirements for Properties of One or Two Living Units Located in the States of Indiana, Michigan, and Wisconsin," **Form 2243, Revised April 1953, as revised by MPR Revisions thereto**, are hereby adopted by reference as part of this ordinance with respect to all dwellings or parts thereof hereafter constructed in the Town of Hustisford; 301-A through 301-L (light and Ventilation); 302-A through 302-C (Space Requirements); 303-A through 303-C (Habitable Basement Rooms); 305-B (Minimum Ceiling Heights); 306-A and 306-B (doors) ; 307-A through 307-C (Stairways); 400 through 419-B (minimum Construction Requirements); 500 through 503-C (Heating Requirements). Wherever such sections contain the words "the Chief Underwriter" the words "the Building Inspector shall be substituted therefor, but his authority shall be limited to a factual determination of authority shall be limited to a factual

determination of whether a proposed material or method meets the performance requirements of this Code.

- b) Portions of State Code Adopted. Charters Ind 51 through Ind 57, Wis. Adm. Code (Wisconsin State Building code) are hereby adopted and made a part of this Section with respect to those classes of buildings to which this code specifically applies. Sections Ind 52.10 through 52.19 (fire Protection) of said Code are hereby adopted and made a part of this Section with respect to all swellings hereafter erected within the Town of Hustisford.
 - c) Conflicts. If, in the opinion of the Building Inspector, the provisions of the State building code adopted by Sub. (2) (b) of this Section shall conflict with the provisions of the Federal Housing Administration standards adopted by Sub. (2) (a) of this Section in their application to any proposed building or structure, the Inspector shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.
 - d) Swellings. The term “dwelling” as used in this Section includes every building occupied exclusively as a residence by not more than one (1) family.
 - e) No dwelling constructed subsequent to the adoption of this Section shall be permitted if the square footage (living area) of such dwelling is less than:
 - (1) One story or one and one half dwelling -1,400 sq. ft.
 - (2) Two story or larger dwelling – 1,800 sq. ft.
 - f) Duplex, Tri-plex, ect. No duplex or other multi-plex building shall be permitted if the square footage (living area) of such dwelling is less than 1,300 square feet per living unit.
- 3) New Methods and materials. All materials, methods of construction and devices designed for use in buildings or structures covered by this Ordinance and not specifically mentioned in or permitted by this Ordinance shall not be so used until approved in writing by the Industrial Commission of Wisconsin 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 issued by the State Board of Health. 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 Industrial Commission. The data, tests and other evidence necessary

to prove the merits of such material, method of construction or device shall be determined by the Industrial Commission.

- 4) Unsafe buildings. Whenever the building Inspector finds any building or part thereof within the town to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he 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. 66.05 (5) of the Wisconsin Statutes.

8.03 Electrical Code

- 1) State code Applies. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State electrical code, **adopted by the Industrial commission of Wisconsin, 5th Edition, 1944**, and amendments and revisions adopted to date, which is hereby made by reference and a part of this ordinance.
- 2) Permit. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the town building Inspector, except that repairs or replacements of 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, and all later deviations from such plan must be submitted to and approved by the building inspector.
- 3) 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, it shall be the duty of the person doing such work to notify the building inspector who shall at once inspect or cause to be inspected the same. Upon completion of such wiring, the inspector shall be notified and shall inspect or cause to be inspected the finished work. If he finds that the work conforms to the state Electrical code, he 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 by location in the office of the Building inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

8.04 Plumbing code.

- 1) State code applies. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wis. Admin. Code,

chapter H62 (State Plumbing code) adopted by the State board of health, which is hereby adopted by reference as a part of this Ordinance.

- 2) Permit. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefor from the building Inspector. 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 must be submitted to and approved by the building inspector.
- 3) Licensed Plumber Required. All plumbing work shall be done only by a plumber licensed by the State board of health except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued and the work is done in compliance with the provisions of the Ordinance.
- 4) Inspection of work. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing code, he 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 by location in the office of the Building Inspector. No person shall use any plumbing or drainage until it has been inspected and approved by the building Inspector.

8.05 Flammable Liquids.

- 1) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of the Wis. Admin. Code Chapter ind 8 as the same is now in force and may hereafter from time to time be amended.
- 2) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in threat of any fire or accidental spill.

8.06 Fire District Regulations.

- 1) Fire District. All that part of the town of Hustisford shall be included in the fire district.
- 2) Definitions. The terms “fire-resistive construction”, “mill construction”, “ordinary construction”, “frame construction” and “fire-retardant roof coverings” shall have the meaning as defined in the Wis. Adm. Code, Sections Ind 51.001, 51.01, 51.02, 51.03 and 51.07 of Wisconsin State building code.
- 3) Regulations within fire districts.
 - a) Requirements. Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by the ordinance. Enclosed walls, division walls and party walls shall be of 4-hour, fire resistive walls of a construction as provided in Section Ind 51.05, Wis. Adm. Code, which is hereby by reference made a part of these ordinance with respect to all buildings and structures within the fire district.
 - b) Exceptions. No building of frame construction shall be constructed within or moved within or into the fire district except the following:
 - (1) Buildings occupied as a private garage, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling.
 - (2) Buildings of frame construction, except when used for a high hazard occupancy, not exceeding 2,500 or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire resistance rating of not less than one hour.
 - (3) Greenhouses not more than 15 feet in height.
 - (4) Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least 6 feet from buildings and from adjoining lot lines.
 - (5) Builders’ shanties for use only in connection with a duly authorized building operation.
- 4) Built Oil Tanks Prohibited. The storage of Class I and Class II flammable liquids, as defined in Sec. Ind 8.01, Wis. Adm. Code, in above ground tanks outside of buildings is prohibited within the fire district.

- 5) Razing Old or Damaged Buildings. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-half (1/2) of its value, exclusive of the foundation, as determined by the town Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the building Inspector under the provisions of Sec. 66.05 of the Wisconsin Statutes.
- 6) Fire Retardant Roofing.
 - a) Every roof hereafter constructed within the fire district, including buildings listed in Sub. (3) (b), shall be covered with a roofing having a fire resistive rating equivalent to Class "B" or better of the underwriters' Laboratories, Inc. classification in their "list of inspected materials", which is hereby adopted by reference and incorporated in this Section as if fully set forth herein.
- 7) The Building Inspector (or fire chief or other designated person) is hereby authorized and it shall be his duty to enforce the provisions of the ordinance.

8.07 Regulation of Swimming Pools.

An Ordinance Regulating the Construction, Operation, and Maintenance of Swimming Pools.

Be it ordained by the Town Board of the Town of Hustisford:

- 1) Short Title. This Ordinance shall be known and may be cited as the "Swimming Pool Ordinance of the Town of Hustisford".
- 2) Compliance Required. It shall be unlawful to construct, maintain, install, enlarge, alter or remodel any swimming pool in the town except in compliance with all the provisions of this ordinance.
- 3) Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given herein:
 - a) "Health Department" is the Town of Hustisford Health Officer.
 - b) "Inspection Department" is the Town of Hustisford Building Inspector.
 - c) "Swimming Pool" is a body of water, 24 inches or more in depth, contained in an artificial or semi-artificial receptacle or other container, above or below the surrounding grade, used or intended to be used for swimming by adults or children, or both, whether or not any charge or fee is imposed upon such adults and/or children, operated and maintained by any person, firm, partnership, operator, licensee, or concessionaire, and

shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool.

- 4) Permit Required. Before work is commenced on the construction and/or installation of a new swimming pool or on any alteration, enlargement, remodeling or other improvement to an existing swimming pool, an Application for a permit to construct along with the plans, specifications, description of materials to be used and any pertinent explanatory data shall be submitted to the Building Inspector for his approval, and no part of the work shall be commenced until the building Inspector has granted such approval by a written Permit to Construct.

The building Inspector shall review such plans and specifications to determine whether they comply with the provisions of this Ordinance and with reasonable standards of swimming pool construction for the protection of the public safety, health and morals as prescribed in rules and regulations promulgated by the health Department and the Inspection Department pursuant to this Ordinance.

The Application for Permit to Construct a swimming pool or to alter, enlarge, remodel, or improve any existing swimming pool shall be submitted on such forms as prescribed by the Town and must be accompanied by the plans and specifications described above. The fee for said permit shall be \$5.00.

- 5) Location of Outdoor Swimming Pools. No portion of a swimming pool outside a building shall be located so that any portion of the pool shall be closer than ten (10) feet of the principle structure, closer than three (3) feet to any lot line nor fifteen (15) feet to any alley line, nor shall it occupy more than 30% of the rear yard area or be closer than ten (10) feet of any overhead electrical service or power transmission line.
- 6) Fencing Required.
 - a) Type of Fencing. Except as hereinafter provided, every outdoor swimming pool shall be completely surrounded by a fence or wall not less than 4 feet nor more than 6 feet in height, which shall be so constructed as not to have any openings, holes, or gaps, larger than 3 inches in any dimension except for doors and gates. Picket fences are permitted provided there is not more than a 4-inch horizontal gap. A swelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed and they shall be kept securely closed at all times when pool is not in actual use.

Swimming pools which are constructed so as to extend a minimum of 4 feet above the surrounding grade and are equipped with a removable safety ladder shall be exempt from required fencing. Such removable ladders shall be removed and securely stored when pool is not in actual use. At all times this area surrounding said pools shall be kept free of any chairs, tables, or other equipment which may provide access to the pool by unsupervised children.

- b) Application: New and Existing Pools. The fencing requirements of Subsection 9a) is applicable to all outdoor new swimming pools hereafter constructed and shall also apply to all existing pools which have a minimum depth of 24 inches of water. No person in possession of land within the Town, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of 24 inches shall fail to provide and maintain such fence or wall except as otherwise provided herein as in Subsection (a) or (c).
- c) Variances. The Inspection Department may permit other protective devices or structures to be used or may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates, or latches, provided the degree of protection afforded by the substitute devices, structures or modifications is not less than the protection afforded by the wall, fence, gate and latch described herein.

Before the erection of any fence as required by this Ordinance, approval of the materials to be used must be obtained from the building inspector.

- 7) Electrical Service and Wiring. All electric wiring shall comply with the provision of the Wisconsin State Electrical code and the national electrical Code relating to the construction and installation of electrical wiring for equipment in or adjacent to swimming pools.
- 8) Compliance with Requirements of State Department of Health. In the construction, operation, and maintenance of any swimming pool state laws and the rules, regulations and requirements of the State Department of health shall be observed. In the event of any conflict between the provisions of this Ordinance and any provision of state law or requirement, rule or regulation of the State Department of Public Health, the provision imposing the higher standard or the more stringent requirement shall be controlling.
- 9) Interference with Enjoyment of Property Rights Prohibited. No swimming pool shall be so located designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool or located in the neighborhood, nor shall water from the swimming pool be permitted to flow or come upon the Property of others, nor drain into the town sanitary sewer system.

- 10) Unnecessary Noise. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool any loud, unnecessary or unusual noise, or any noise or sound which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
- 11) Periodic Inspection. The Inspection Department shall inspect or cause to be inspected all swimming pools within the Town to determine whether or not the provisions of this Ordinance regarding health, sanitation and safety applicable thereto are being complied with. The Health Officer is hereby authorized to enter upon any premises, private or public, to take samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with the rules and regulations pertaining to swimming pools promulgated by the Inspection Department and the Health Officer in accordance with the Ordinance.

In the event of the failure of compliance after due notice with the rules, regulations and requirements of the health Officer or the requirements of this Ordinance, the health Officer shall have the power to abate or cause a suspension of the use of such swimming pool at such time as the same is, in the opinion of the health Department Officer, no longer a menace or a hazard to health, safety, or morals.

- 12) Severability. If any section, subsection, paragraph, clause or provision of this Chapter shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged, and the rest of this Ordinance shall remain valid and effective.
- 13) Violations. Each day that a violation of this Ordinance is permitted to continue shall constitute a separate offense, and the violator shall, upon conviction, be subject to the penalty of \$10.00 per day. 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 Inspection Department constitute a defense.

8.08 Penalties.

- 1) In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as follows: forfeiture of not less than \$50.00 nor more than \$500.00 per violation. A separate offense shall be deemed committed on each day of which a violation of any provision of this Chapter occurs or continues.