



RESOLUTION 01-22

A RESOLUTION REPEALING AND RECREATING ORDINANCE CHAPTER  
140

OF THE MUNICIPAL CODE: BUILDING CONSTRUCTION

WHEREAS, The Village of Hustisford Building Construction Code Ordinance 140 was found to be in need of being updated to current state building codes; and

WHEREAS the Finance and Administration Committee has recommended adopting the attached revised version of Chapter 140 of the Municipal Code after input by the Village Building Inspector and Attorney.

NOW, THEREFORE, BE IT RESOLVED and the Village Board of the Village of Hustisford DO ORDAIN and hereby repeal existing Ordinance 140 and adopts in its place the attached revised Ordinance Chapter 140.

Dated this 4th Day of April 2022

Village President

Attest:

Village Clerk/Treasurer

# Village of Hustisford

## Chapter 140

### BUILDING CONSTRUCTION

#### GENERAL REFERENCES

Construction site erosion control — See Ch. 154.  
Driveways and culverts — See Ch. 160.  
Electric Utility — See Ch. 165.  
Fair housing — See Ch. 170.  
Fire prevention — See Ch. 176.  
Housing standards — See Ch. 193.  
Property maintenance — See Ch. 245.  
Sewer Utility — See Ch. 262.  
Subdivision of land — See Ch. 281.  
Water Utility — See Ch. 315.  
Zoning — See Ch. 325.

#### § 140-1. Title; purpose; scope.

- A. Title. This chapter shall be known as the "Building Code of the Village of Hustisford" and will be referred to in this chapter as "this code" or "this chapter."
  - 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 public.
  - C. Scope. New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this chapter, except as they are herein specifically exempted from part or all its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this chapter was enacted. The provisions of this chapter supplement the laws of the State of Wisconsin pertaining to construction and use. The Zoning Code of the Village and amendments thereto to the date of this chapter were adopted and in no way supersede or nullify such laws and said Zoning Code.
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**§ 140-2. Building permits and inspection.**

**A. Permit required.**

- (1) General permit requirement. No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed, or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his designee. This permit requirement excludes new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review
- (2) Alterations and repairs. The following provisions shall apply to buildings altered or repaired:
  - (a) Alterations. When any existing building or structure accommodates a legal occupancy then alterations which involve beams, girders, columns, bearing or other walls, room arrangement, heating and air-conditioning systems, light and ventilation, or changes in location of exit stairways or exits, or any or all of the above, may be made in order to bring such existing construction into conformity with the minimum requirements of this chapter applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations.
  - (b) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or which do not increase a given occupancy or use shall be deemed minor repairs and shall not require a building permit if the building inspector deems it unnecessary.

**B. Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee 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, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

**C. Approval of plans.**

- (1) If the Building Inspector determines that the building plans will comply with orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, 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 or orders or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before

receiving the plans and specifications for the entire building.

- D. Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six months.
- E. Fees. Permit fees will be adopted and adjusted from time to time by the Village Board.
- F. Report of violations. Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this chapter.
- G. Display of permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is always in progress during construction or work thereon.
- H. Occupancy. The final occupancy permit will be issued by the Building Inspector upon satisfactory completion of all requirements of this chapter.

**§ 140-3. State code articles adopted.**

The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

**§ 140-4. Certified Municipality Status.**

- 1) Certified Municipality. The Village Hustisford has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
  - a) Responsibilities. The Village shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
    - 1. Provide inspection of commercial buildings with certified commercial building inspectors.
    - 2. Provide plan examination of commercial buildings with certified commercial building inspectors.
  - b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
  2. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- c) **Plan Submission Procedures.** All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application
  2. Application for review - SBD-118
    - a. Fees per Table SPS 302.31-2 and SPS 302.31
    - b. Fees apply to all commercial projects
  3. Four sets of plans
    - a. Signed and sealed per SPS 361.31
    - b. One set of specifications
    - c. Component and system plans
    - d. Calculations showing code compliance

**§ 140-5. Building-HVAC-Electrical-Plumbing Inspector**

- 1) **Creation and Appointment.** There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- 2) **Assistants.** The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- 3) **Duties.** The Building Inspector shall administer and enforce all provisions of this ordinance, Chapter 140.
- 4) **Powers.** The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or with the consent of the owner or occupant enter private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Wis. Stat. §66.0119.

#### **§ 140-6. Violations and Penalties**

- 1) Prohibition. No person, entity, or firm may alternate, construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance, Chapter 140.
- 2) Any person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 consecutive calendar days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

#### **§ 140-7. Left Blank Intentionally**

#### **§ 140-8. Unsafe buildings.**

Whenever the Building Inspector, appointed assistant or Village Board suspects any building or part thereof within the Village to be, in his or its 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, he or it shall order an investigation of said building to determine if a raze order is warranted. Such order and proceedings shall be as provided as in Wis. Stat. §66.0413.

#### **§ 140-9. Disclaimer on inspections.**

The purpose of the inspections under this chapter is to improve the quality of housing in the Village of Hustisford. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee with respect to the absence or existence of any conditions in or of a structure. 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 regarding the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

**§ 140-10. Garages.**

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

**§ 140-11. Razing buildings.**

- A. No building within the Village of Hustisford shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have additional approval from the Building Inspector including the payment of an additional permit fee.
- B. All debris must be hauled away at the end of each week for the work that was done during that week. Combustible materials shall not be used for backfilling but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the engagement of a qualified person in the field of pest control or by other appropriate means, to treat the building prior to any razing operation to prevent the spread and migration of rodents and insects there from during and after the razing operations.

**§ 140-12. Basements; excavations.**

- A. Basement subflooring. First-floor subflooring shall be completed within 60 days after the basement is excavated.
- B. Fencing of excavations. The owner of any premises on which there exists an opening or excavation which is located within 10 feet of a public sidewalk or street right-of-way, which may constitute a hazard to pedestrian or vehicular traffic, shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.<sup>13</sup>
- C. Closing of abandoned excavations. Any excavation for building purposes or any uncovered foundation which shall remain open for more than 90 consecutive days shall be deemed abandoned and a nuisance. The Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue immediately, 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 publication in the Village official newspaper for two consecutive insertions at least 7 (seven) days before the deadline for compliance contained in the order. Such deadline shall be not less than 10 nor more than 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 Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Wis. Stats. §66.0627.

**§ 140-13. Discharge of clear waters.**

- A. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.
- C. Groundwater. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and, where the building is not serviced by a storm sewer, shall either discharge into an underground conduit leading to a drainage ditch, gutter or dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined in sec. 140-13B.
- D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, or an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined in sec. 140-13B.
- E. Storm sewer lateral. Where municipal storm sewers are available and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the sole expense of the owner.
- F. Conducting tests. If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this section or by any other applicable provision



of the Wisconsin Administrative Code or as amended, upon reasonable notice at reasonable times and with the consent of the owner or occupant, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

In the event that the Building Inspector is refused access to any such premises, the Building Inspector is authorized to apply for a special inspection warrant pursuant to Wis. Stat. §66.0119.

**§ 140-14. Compulsory connection to sewer and water system.**

- A. Whenever public sewer or water service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing, the owner, agent, or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than 90 days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof shall be assessed as a special tax against the property pursuant to Wis. Stats. §281.45.
- B. The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship that is not self-created.
- C. This section is enacted pursuant to Wis. Stat. §281.45.

**§ 140-15. Duplex service connections.**

Each unit of a duplex shall have separate water and sewer services.

**§ 140-16. Moving buildings.**

- A. General requirements.
  - (1) No person shall move any building or structure upon any of the public ways of the Village 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 and the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal, and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk- Treasurer prior to issuance of the moving permit.
  - (3) Issuance of a moving permit shall further be conditioned on approval of the moving route by the Village Board.
- B. 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.

- C. Street repair. Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Building Inspector, who shall 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 it in as good repair as it was before the permit was granted. On the failure of said permittee to do so within 10 days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such street and hold the person obtaining such permit and the

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sureties on his bond responsible for the payment of the same.

- D. Conformance with chapter. No permit shall be issued to move a building within or into the Village and to establish it upon a location within said Village 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 chapter in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this chapter and that, when the same are completed, the building as such will so comply with said chapter. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building shall not be enforced.

- E. Bond.

- (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Hustisford in a sum to be fixed by the Building Inspector and which shall not be less than \$10,000, said bond to be executed by a corporate surety to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification of the Village 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 Village 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 are such as to make intrusion upon the

premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by Subsection E(1) shall be further conditioned upon the permittee erecting adequate barriers and, within 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.

Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury in the sum of not less than \$500,000, together with property damage insurance in a sum not less than \$100,000, or such other coverage as deemed necessary.

**§ 140-17. Fees.**

The fees for all building, electrical, plumbing and HVAC permits shall be established by the Village Board annually by resolution.

**§ 140-18. 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.

**§ 140-19. Violations and penalties.**

- 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 Village Board and Village 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. Any person violating this chapter may also be subject to a penalty as provided in Chapter 1, § 1-3, of this Code. 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 Village officials constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunction in a Circuit Court action brought on behalf of this Village.
- B. If an inspection reveals noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wis. Adm. Code §COMM 20.10(4)(b),.
- C. If, after written notification, the violation is not corrected within 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.

- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the Village from maintaining any appropriate Civil action to prevent or remove a violation of any provision of this chapter or the Uniform Dwelling Code.
  - E. 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.
  - F. Any person aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Village Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
  - G. Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of the Village of Hustisford charged with the enforcement of this chapter shall be rendered personally liable for any damages that may accrue to persons or property as a result of any act required or permitted within the scope of the discharge of the Building Inspector duties under this chapter.
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