

## Chapter 160

### BUILDING CONSTRUCTION AND FIRE PREVENTION

[HISTORY: Adopted by the Village Board of the Village of Forestville as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire protection service — See Ch. 39.  
Floodplain zoning — See Ch. 210.  
Mobile homes and mobile home parks — See Ch. 270.  
Nuisances — See Ch. 287.  
Sewers — See Ch. 335.  
Subdivision of land — See Ch. 360.  
Zoning — See Ch. 395.

#### ARTICLE I

##### State Building Codes

[Adopted 1-8-1990 by Ord. No. 1-90 as Ch. 14 and § 5.02 of the 1990 Code]

#### § 160-1. Building permits.<sup>1</sup>

- A. Permit required. No building or any part thereof shall hereafter be erected within the Village or ground broken for the same except as hereinafter provided, until a permit shall first have been obtained from the Village Board 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, 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 to the Village Board and shall state the name and address of the owner of the land and the owner of the building, if different, and shall contain such other information as the Board may require for effective enforcement of this section.
- C. Plans. With such application there shall be submitted a 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. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Department of Safety and Professional Services. All plans and specifications shall be signed by the designer.
- D. Waiver of plans. If the Village Board finds that the character of the work is sufficiently described in the application, it may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$3,000.
- E. Approval of plans. If the Village Board determines that the proposed building will comply in every respect with all ordinances of the Village and all laws and regulations of the state, it shall approve the plans and shall issue a building permit. After being approved, the plans shall not be altered in any respect which involves any of the above-mentioned ordinances, laws and regulations, or which involves the safety of the buildings or occupants, except with the written consent of the Village Board.<sup>2</sup>
- F. Razing buildings. Whenever the Village Board finds any building or part thereof within the Village to be in their judgment so dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise

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<sup>1</sup>. Editor's Note: Original Section 14.01, State Building Code Adopted, which preceded this section, was repealed Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>2</sup>. Editor's Note: Original Subsection (6), Minor repairs, as amended 12-8-1998 by Ord. No. 3-98, which followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

unfit for human habitation or use and so that it would be unreasonable to repair the same, it 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 § 66.0413, Wis. Stats.

- G. Permit lapses. A building permit shall lapse and be void unless operations under the permit are commenced within six months from the date of issuance.
- H. Revocation. If the Village Board shall find at any time that the above-mentioned ordinances, laws, regulations, 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, the Village Board shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, no person shall do any further work thereunder until the permit is reissued, excepting such work as the Board may order to be done as a condition precedent to the reissuance of the permit or as they may require for the preservation of human life and safety of property.
- I. Report of violations. Any resident may report at once to the Village Board any building or remodeling work which is being carried on without a permit as required by this section.<sup>3</sup>
- J. Fees. The fees for building permits for new buildings and the fees for building permits for repairs, additions or alterations and the minimum fee for a building permit shall be determined by the Village Board. [Amended 12-8-1998 by Ord. No. 3-98<sup>4</sup>]
- K. Records. The Village Clerk shall keep a record of all permits, fees and inspections and shall make an annual report thereof to the Village Board.

#### **§ 160-2. Fire protection.**

- A. State code adopted. The provisions of Ch. SPS 365, Wis. Adm. Code, are hereby adopted and incorporated by reference as if fully set forth herein.
- B. Enforcement. The Village Building Inspector and any employees of the Fire Department under contract with the Village pursuant to Chapter 39, Fire Protection Service, may enforce Subsection A of this section according to the procedure of § 287-8, Abatement of public nuisances, of this Code.

#### **§ 160-3. Plumbing Code.**

Chapters SPS 381 through 387, Wis. Adm. Code and Ch. 145, Wis. Stats., are hereby adopted by reference and made a part of this chapter as if fully set forth herein.

#### **§ 160-4. Electrical Code.**

The State Electrical Code, Volume 2, is hereby adopted by reference and made a part of this section as if fully set forth herein.

#### **§ 160-5. Heating, Ventilating and Air Conditioning Code.**

Chapter SPS 364, Wis. Adm. Code, is hereby adopted by reference and made a part of this section as if fully set forth herein.

#### **§ 160-6. Standard Gas Code.**

- A. Sale of gas appliances. The following provisions shall regulate the sale of gas appliances:

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<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) All gas appliances, equipment and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.
  - (2) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusions of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and one that does perform periodic inspections of current models of gas appliances and accessories.
- B. Installation of appliances. The following provisions shall regulate the installation of appliances:
- (1) All gas appliances, equipment, accessories and piping systems shall be installed to conform to reasonable standards of safety.
  - (2) Installation of appliances, equipment, accessories and piping that complies with the standards recommended by the American National Standards Institute in its manual entitled "National Fuel Gas Code, Z223.1-1974," or subsequent revision thereof, shall be considered prima facie as conforming to reasonable standards of safety.
  - (3) No person, excepting an authorized agent or employee of the gas supplier, shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or from turning on gas that he had temporarily turned off for the purpose of connecting an appliance or making repairs.
- C. Violation of provisions. No person shall sell or offer for sale or install any gas appliance, equipment or accessory or gas piping system if the same when installed for use would be in violation of any of the provisions of this section or would be unsafe or dangerous.
- D. Authority to disconnect. The Building Inspector is hereby authorized to disconnect or to order disconnection of any gas appliance, equipment, accessory or gas piping which does not conform to the requirements of this section or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, equipment, accessory or gas piping which shall state that it has been disconnected and the reasons therefor, and such notice shall not be removed nor shall the appliance, equipment, accessory or gas piping be reconnected until it shall have been made to conform with the requirements of this section and its reconnection has been authorized by the Building Inspector.

**§ 160-7. Smoke and carbon monoxide detectors.**

- A. The owner of a multiunit dwelling shall install and maintain a smoke detector in the basement of the dwelling and on each floor level, except the attic or storage area of each dwelling unit. The Building Inspector may inspect new dwellings at the request of the owner or renter to ensure compliance with this section.
- B. All new dwellings constructed within the Village limits shall be equipped with at least one smoke detector.
- C. The provisions of W.S.A. § 101.647, regarding carbon monoxide detectors, shall apply.<sup>5,6</sup>

**§ 160-8. Recommendations to maintain uniform buildings in residential areas.** [Added 12-8-1998 by Ord. No. 2-98]

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<sup>5</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>6</sup>. Editor's Note: Original Section 14.10, Penalty, which followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. The following recommendations are set forth for all new homes built in the Village:
- (1) A full basement or a minimum four-foot crawl space.
  - (2) No smaller than 1,400 square feet for a single story; or 1,700 square feet for a two-story home (square footage not to include basement).
  - (3) A minimum 1.5 stall garage.
  - (4) A roof with a 4/12 pitch. [Added 4-3-2000]
- B. Conditional use permits may be applied for and each situation will be reviewed on its own merit.

ARTICLE II  
**Uniform Dwelling Code**  
[Adopted 1-9-2012 by Ord. No. 1-2012]

**§ 160-9. Authority.**

These regulations are adopted under the authority granted by § 101.65, Wis. Stats.

**§ 160-10. Purpose.**

The purpose of this article is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

**§ 160-11. Scope.**

The scope of this article includes dwellings built since June 1, 1980. Notwithstanding § SPS 320.05, Wis. Adm. Code, or any other exemptions of the Uniform Dwelling Code, the scope of this article also includes the construction and inspection of alterations and Wisconsin Uniform Dwelling Code additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under §§ SPS 320.19 and 320.21, Wis. Adm. Code, respectively, shall be decided by the Municipal Board of Appeals. Petitions for variance shall be decided per § SPS 320.19, Wis. Adm. Code (Intro), so that equivalency is maintained to the intent of the rule being petitioned. Notwithstanding § SPS 320.05, Wis. Adm. Code, or any other exemptions of the Uniform Dwelling Code, the scope of this article also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the Code Official. Petitions for variance and appeals shall be handled by this municipality.

**§ 160-12. Wisconsin Uniform Dwelling Code adopted.**

The Wisconsin Uniform Dwelling Code, Chs. SPS 320 through 325, Wis. Adm. Code, and its successors, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this article.

**§ 160-13. Wisconsin Commercial Building Code adopted.** <sup>7</sup>

The Wisconsin Administrative Code Chapters SPS 361 to 366 and all subsequent amendments, additions and recodifications thereto are hereby adopted and shall apply to the design, construction, maintenance and inspection of public buildings, including multifamily dwellings, and places of employment, as well as additions or alterations to all existing public buildings, including multifamily dwellings, and places of employment.

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**§ 160-14. Building Inspector.**

There is hereby created the position of Building Inspector, who shall administer and enforce this article and shall be certified by the Division of Safety & Buildings, as specified by § 101.66(2), Wis. Stats., in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

**§ 160-15. Building permit required.**

If a person builds or installs a new building under the scope of this article, they shall first obtain a permit from the Building Inspector. If a person alters the property in excess of \$1,000, they shall first obtain a permit from the Village Clerk.

**§ 160-16. Building permit fee.**

The building permit fees shall be determined by resolution and shall include the applicable fee per Ch. SPS 302, Wis. Adm. Code, to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

**§ 160-17. Violations and penalties.**

The enforcement of this article and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25 nor more than \$1,000 for each day of noncompliance.

**§ 160-18. Exemptions from permit requirement.**

The restoration or repair of existing driveways and building equipment, such as wells, furnaces, central air conditions, water heaters, and similar mechanical equipment (except electric service) without the alteration of, or addition to, the building or structure.

Minor repairs performed for maintenance or replacement purposes in an existing building which does not involve the structural portions of the building or structure, or which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection and which does not increase a given occupancy or use (Example: Window and door replacement, if it does not affect the structure).

<sup>1</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).