

**TOWN OF CLYMAN  
ORDINANCE #2020-01  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

The following Ordinance replaces Ordinance #2009-03 effective July 20, 2009.

1.1	<b>Authority</b>
1.2	<b>Purpose</b>
1.3	<b>Scope</b>
1.4	<b>Adoption of Wisconsin Uniform Dwelling Code</b>
1.5	<b>Adoption of the Wisconsin Commercial Building Code</b>
1.6	<b>Building Inspector</b>
1.7	<b>Building Permits and Inspections</b>
1.8	<b>Building Permit Fees</b>
1.9	<b>Penalties</b>
1.10	<b>Effective Date</b>

**1.1 AUTHORITY.** These regulations are adopted under the authority granted by s.101.65, Wisconsin Statutes.

**1.2 PURPOSE.** The purpose of this ordinance 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.

**1.3 SCOPE.** Notwithstanding SPS 320.05 the scope includes the construction and inspection of alterations and 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, respectively, shall be decided by the board of zoning appeals. Petitions for variance shall be decided per s. Comm 20.19 (Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the board of zoning appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding SPS 320.05, the scope 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 Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

**1.4 WISCONSIN UNIFORM DWELLING CODE (UDC) ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance. Accessory Buildings will need to comply with the Uniform Dwelling Code Fire Separation Requirements.

**1.5 WISCONSIN COMMERCIAL BUILDING CODE ADOPTED.** Chs. SPS 361-365 Wisconsin Commercial Building Code, Chs. SPS 375-379 Existing Buildings Code, and Ch. Comm 70 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 Chs. incorporated herein are intended to be made a part of this Code.

**Town of Clyman** will be registered with the State of Wisconsin as an inspection agency for commercial electrical inspections effective January 1<sup>st</sup>, 2019. Wisconsin Administrative Code, Department of Safety and Professional Services Chapter 316 Electrical is adopted in its entirety effective March 1, 2020.

**1.6 BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety and Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector and Commercial Building Inspector. Additionally, this or other assistant inspectors shall possess all required certification for inspection of UDC and Commercial projects.

**1.7 BUILDING PERMITS AND INSPECTIONS.**

(a) *Permit required.* No building of any kind shall be moved within or into the town and no new

building or structure or any part thereof shall be erected or ground broken for such or enlarged, altered, moved, demolished, razed or used within the town except as provided in this article, until a permit shall first have been obtained by the owner or the owner's authorized agent from the building inspector.

(b) *Alterations and repairs.* The following shall apply to buildings altered or repaired:

1. *Alterations.* When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, rooms, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of such, the existing construction shall be made to conform to the minimum requirements of this article applicable to such occupancy and use and given type of construction.
2. *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 exterior aesthetic appearance and which do not increase a given occupancy or use shall be deemed minor repairs and shall not require building permits.
3. *Alterations prohibited.* When an existing building or structure, which for any reason whatsoever does not conform to this article, has deteriorated from any cause whatsoever to an extent greater than 50 percent of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and the debris removed from the premises.
4. *Alterations and repairs required.* When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the building or structure shall be permitted without compliance with this article.
5. *Extent of deterioration.* The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector or Town Appointed Expert such as an Engineer.

(c) *Application for permit.* 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, the name and address of the designer, the use to which such building is to be put and such other information as the building inspector may require.

(d) *Waiver of plans; minor repairs.*

1. *Waiver.* If the building inspector finds that the character of the work is sufficiently described in the application, the building inspector may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed \$1,000.00.
2. *Minor Repairs.* The building inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than \$1,000.00, as determined by the building inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(e) *Approval of plans.*

1. If the building inspector determines that the building will comply in every respect with all applicable state laws and orders, the building inspector shall issue a building permit which shall state the use to which the 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 state laws or orders or which involves the safety of the building or the occupants, without written consent of the building inspector.



2. If adequate plans are presented for part of the building only, a permit for that part of the building may be issued at the discretion of the building inspector before receiving the plans and specifications for the entire building.

(f) *Permit Lapses.* A UDC building permit shall lapse and be void unless building operations are commenced within six months or if construction has not been completed within 24 months from the date of issuance thereof. All other permits shall be issued for a period of time determined by the Building Inspector.

(g) *Report of violations.* Town officers shall report at once to the building inspector any building which is being carried on without a permit as required by this article.

(h) *Display of permit.* Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

**1.8 BUILDING PERMIT FEE.** The building permit fees shall be determined by Resolution and shall include the cost

**1.9** of the state seal which is assigned to any new dwelling by the Wisconsin Department of Commerce and the fees for the Town and Inspection Agency.

**1.10 PENALTIES.** The enforcement of this section 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 \$25.00 nor more than \$1,000.00 for each day of noncompliance.

**1.11 EFFECTIVE DATE.** This ordinance shall be effective March 9, 2020. Upon passage and publication as provided by law.

**Adopted this 9<sup>th</sup> day of March, 2020**

Attest: David C. Blank  
David C. Blank, Town Chairman

Attest: Sandra Thoma  
Sandra Thoma, Town Clerk