

TOWN OF MAPLE GROVE  
MANITOWOC COUNTY, WISCONSIN

ORDINANCE NO. 2000- 3

AN ORDINANCE TO ADOPT THE WISCONSIN UNIFORM DWELLING CODE  
FOR THE TOWN OF MAPLE GROVE

The Town Board of the Town of Maple Grove, Manitowoc County, Wisconsin, pursuant to its authority under Chapter 60, Wis. Stat., and under Section 101.65(1), Wis. Stat., and Section 101.651(2m), Wis. Stat., do ordain as follows:

SECTION 1. PURPOSE. The purpose of this ordinance is to exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings and additions to existing dwellings in the Town of Maple Grove, establish and collect fees to defray the cost of jurisdiction exercised by the Town of Maple Grove, and to provide for remedies and penalties for violations of this ordinance. This ordinance is adopted to promote the public health, safety, and welfare, and to maintain local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code (herein "UDC").

SECTION 2. WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, as amended from time to time, and including all future amendments, is adopted and incorporated by reference. This ordinance applies to the construction and inspection of one- and two-family dwellings built since June 1, 1980 and additions and alterations to existing one-family and two-family dwellings. A copy of the Administrative Code provisions as adopted herein shall be kept on file in the office of the Town Clerk for public inspection.

SECTION 3. BUILDING INSPECTOR. There is hereby created the position of Building Inspector who shall be appointed by the Town Board. The Building Inspector shall be

certified pursuant to Section 101.66(2), Wis. Stat., in the category of Uniform Dwelling Code Construction Inspector and in the categories of UDC HVAC, UDC Electrical, and UDC Plumbing. The Town Board may appoint one or more assistant building inspectors subject to the certification requirements stated herein. The Building Inspector shall administer and enforce all provisions of this ordinance and the Uniform Dwelling Code. The Building Inspector and any assistant or other authorized agent may, at all reasonable times, enter upon any public or private premises 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 premises to the Building Inspector or agent while in the performance of official duties. The Building Inspector shall perform all administrative tasks and maintain all records as required pursuant to the Uniform Dwelling Code.

#### SECTION 4. BUILDING PERMITS.

A. New Construction. No one-family or two-family dwelling, the initial construction of which shall commence after the effective date of this ordinance, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or the owner's agent, from the Town Clerk. Application for a building permit shall be made in writing upon that form designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Wisconsin Department of Commerce, or other agency, through the Town Clerk.

B. Additions and Alterations. No addition, alteration, or repair to an existing one-family or two-family dwelling in excess of \$300.00 in cost of materials and labor shall be undertaken unless a building permit for the work shall first be obtained by the owner or the owner's agent from the Town Clerk. The requirements for a permit under this subsection include, among others, structural changes or major changes to mechanical systems.

C. Building Permit Fee. Fees for building permits shall be determined from time to time by resolution by the Town Board adopting a fee schedule. In addition to the established schedule of fees, the building permit fee shall include all costs for inspections and other out-of-pocket costs and expenses incurred by the Town. The applicant shall deposit the estimated fee, including inspection costs, with the Town Clerk prior to issuance of the building permit.

D. Issuance of Permit. If the Building Inspector finds that the proposed building or addition, alteration or repair complies with all Town ordinances and the Uniform Dwelling Code, and all fees have been paid by the applicant, the Building Inspector shall approve the application and a building permit shall be 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 Building Inspector and Town Clerk.

E. Occupancy Permit. Pursuant to Wisconsin Administrative Code Section COMM 20.10, the dwelling shall not be occupied until a final inspection has been made which finds that no violations of this ordinance exist that could reasonably be expected to affect the health and safety of the occupant. The owner or owner's contractor shall be responsible for notifying the Building Inspector when the dwelling is available for a final inspection.

#### SECTION 5. VIOLATIONS AND PENALTIES.

A. The Building Inspector shall provide written notice of violation of this ordinance or the Uniform Dwelling Code to the permit holder and property owner. All violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted by the Building Inspector pursuant to the Uniform Building Code.

B. Any person who violates any provision of this ordinance or the Uniform Dwelling Code shall, upon conviction, be subject to a forfeiture of not less than \$50.00 nor more than

\$200.00 for each offense, together with the costs of prosecution. Each day of violation constitutes a separate offense.

C. In addition to the foregoing, the enforcement of this ordinance may include the withholding of a building permit, imposition of a forfeiture, injunctive relief, or any other remedy allowed by law or in equity.

SECTION 6. STOP WORK ORDER. The Building Inspector is authorized to issue a stop work order for the following reasons:

A. A violation is not corrected within thirty (30) days after written notice thereof is issued pursuant to Section 5 above.

B. Construction significantly or structurally deviates from the approved plans.

C. Construction is deemed highly unsafe.

The stop work order shall be served on the owner or owner's representative and a copy thereof shall be posted at the construction site. The stop work order shall not be removed from the site except after written notice from the Building Inspector that the cited violation has been satisfactorily corrected.

SECTION 7. NO LIABILITY FOR DAMAGES. This ordinance is not intended to be, and shall not be construed as, an assumption of liability by the Town of Maple Grove, its Board, supervisors, officers, agents, or employees, for any damages, including personal injuries, death, or property damage, arising out of the administration, permit process, or enforcement of this ordinance or arising out of work performed under the building permit.

SECTION 8. CONTRACTOR FINANCIAL RESPONSIBILITY.

A. No person may obtain a building permit unless the person annually obtains from the Department of Commerce a certificate of financial responsibility showing that the person is in compliance with Section 101.654, Wis. Stat.

B. Paragraph A of this subsection does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.

C. The Town shall provide an owner who applies for a building permit with a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under Section 101.654, Wis. Stat., the following consequences might occur:

1. The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

2. The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one- and two-family dwelling code or this ordinance because of any bodily injury to or death of others or damage to the property of others that arises out of the work performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

#### SECTION 9. REGULATIONS FOR MOVING BUILDINGS.

A. General Requirements. No person shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefor from the Building Inspector and upon payment of the required fee. The applicant for the permit shall be a qualified building mover. The application for the permit shall include photographs of the building, a site

plan showing the lot and the building dimensions, the required bond, and any other reasonable requirements of the Building Inspector or the Town Board.

B. Compliance with Building Code. Any building or structure moved within the Town or into the Town shall conform with the provisions of this ordinance for new buildings and structures unless the Building Inspector determines the compliance is not practicable. No building or structure shall be moved in whole or in part to any location on the same lot or to any other lot unless such building or structure as finally placed shall conform to all requirements of the zoning district. The building or structure to be moved shall conform with the existing buildings in the area in which it is to be moved as determined by the Town Board in order to preserve the orderly planning and safety of the Town of Maple Grove.

C. Unsafe or Unfit Buildings. No permit shall be issued by the Building Inspector if, in the reasonable judgment of the Building Inspector, the building or structure proposed to be moved is deemed structurally unsafe.

D. Bond Requirement. Before a permit to move any building or structure is issued by the Building Inspector, the applicant shall provide a bond in the sum of \$10,000.00 to the Town of Maple Grove to be executed by a corporate surety or two personal sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town 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 Town in connection therewith arising out of the removal of the building for which the permit is issued. In the event the Building Inspector deems the amount of the bond at \$10,000.00 is not appropriate under all of the circumstances, the Building Inspector may request the Town Board to establish a different bond amount.

E. Conditions of Approval. Every permit issued hereunder shall state all conditions to be complied with, shall designate the route to be taken, and shall limit the time during which the moving operations shall be continued. Restrictions shall follow weight limits on town roads. No movement of buildings will be allowed on town roads when frost is coming out of the ground.

F. Continuous Movement. The removal of a building shall be a continuous operation during all hours of the day and at night if the Building Inspector so orders 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 other public facility. Warning lights shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved in writing by the Town Chairperson.

G. Repair to Highways. Every person receiving a permit to move a building or structure shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector who shall report the same to the Town Chairperson. The Town Chairperson or designee 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 immediately place them in as good repair as they were before the permit was granted. On the failure of said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board acting through the Town Chairperson, the Town shall order the repair of the damage to such streets or highways and hold the person obtaining such permit and the sureties of the bond given responsible for the payment of same.

H. Conformance with Code. No permit shall be issued to move a building within or into the Town and to establish it upon a location within the Town 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 building code 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 the Building Inspector shall make a finding of fact to the effect that all such repairs, improvements, and remodeling are in conformity with the requirements of this building code and that when the same are completed, the building as such will so comply with said building code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

I. Utilities, Trees, Overhead Obstructions. Every person receiving a permit to move a building or structure shall be responsible for obtaining all permits required by the utilities involved and any other applicable parties of interest. Damage done to any utilities shall be reported to that utility. The permittee shall be responsible for payment of all damages to any utility or overhead obstruction. The permittee shall be responsible for payment of the estimated costs of trimming, removal, and replacement of public trees as determined by the Town, prior to the issuance of the permit.

SECTION 10. SEVERABILITY. If any section clause, provision, or portion of this ordinance or Chapters Comm 20-25, Wisconsin Administrative Code, is found to be void, invalid, or unconstitutional by a court of competent jurisdiction, the remaining provisions shall not be affected by such finding.



SECTION 11. APPROVAL AND EFFECTIVE DATE. This ordinance shall be submitted to the Department of Commerce according to law. The effective date of this ordinance is July 1, 2000.

Adopted May 8, 2000.

TOWN OF MAPLE GROVE TOWN BOARD

By: Robert Schuh  
Robert Schuh, Chairperson

By: Kermit Bastian  
Kermit Bastian, Supervisor

By: Gerald Schwahn  
Gerald Schwahn, Supervisor

ATTEST:

By: Patricia Haelfrisch  
Patricia Haelfrisch, Clerk

Date Posted: June 17, 2000

