



IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE # 2015 - 4

An Ordinance to Amend Sections 108-4, 108-5, 108-6, 108-7, and 108-8 of Chapter 108 Building Construction of the Code of Ordinances to update the Building Code of the Town of Cedarburg, Ozaukee County, Wisconsin.

The Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, do ordain that Sections 108-4, 108-5, 108-6, 108-7, and 108-8 of Chapter 108 of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).

§ 108-4. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

ADDITION — New construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION — A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT — The State of Wisconsin Department of Safety and Professional Services ~~Commerce~~.

DWELLING

- A. Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or two dwelling units; or
- B. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.

MINOR REPAIR — Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairway or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING — A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household to the exclusion of all others.

PERSON — An individual, partnership, firm or corporation.

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

<u>Ch. SPS 302.31</u>	<u>Plan Review Fee Schedule</u>
<u>Ch. SPS 305</u>	<u>Credentials</u>
<u>Chs. SPS 316</u>	<u>Electrical Code</u>
<u>Chs. SPS 320-325</u>	<u>Uniform Dwelling Code</u>
<u>Chs. SPS 361-366</u>	<u>Commercial Building Code</u>
<u>Ch. SPS 375-79</u>	<u>Buildings Constructed Prior to 1914</u>
<u>Chs. SPS 381-387</u>	<u>Uniform Plumbing Code</u>

~~UNIFORM DWELLING CODE — Those Administrative Code provisions and any future amendments, revisions or modifications thereto contained in the following chapters of the Wisconsin Administrative Code:~~

Comm 20	Administrative and Enforcement
Comm 21	Construction Standards
Comm 22	Energy Conservation Standards
Comm 23	Heating, Ventilating and Air Conditioning
Comm 24	Electrical Standards
Comm 25	Plumbing and Potable Water Standards

(NOTE: The following §108-5 replaces the former §108-5 deleted hereinafter).

§ 108-5. Certified Municipality Status.

- 1) **Certified Municipality.** The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - a) **Responsibilities.** The Town 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 new building or structure containing less than 50,000 cubic feet of total volume.
 2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 4. An alteration of a space involving less than 100,000 cubic feet of total volume.
 5. 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.
 6. 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 302.31-2 and SPS 302.31
 - b. Fees apply to all commercial projects
 3. 4 sets of plans
 - a. Signed and sealed per SPS 361.31
 - b. (1) set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

§ 108-5. Building permits and inspection.

~~A. General permit requirement. No building of any kind shall be moved within the Town and no new building or structure, plumbing, electric, HVAC, or any part thereof shall hereafter be erected, or ground~~

~~broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, 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 representative. Any application for a permit submitted to the Building Inspector involving a designated landmark, landmark site or improvement in an historic district shall be filed with the Landmarks Commission. Unless written approval has been granted by the Commission, the Building Inspector shall not issue any permit for any such work.¹¹¹~~

~~[1]:Editor's Note: See also Ch. 186, Landmarks Preservation.~~

B. Issuance of permits.

~~(1) Payment of fees. Except as otherwise specifically provided, all permit, license and inspection fees required under this chapter shall be collected by the Town Administrator or Clerk prior to the issuance of the permit or license, and the Town Administrator or Clerk shall notify the various inspectors when such fee is paid. No permit or license shall be issued or reissued or inspection performed until the required fees are paid.~~

~~(2) Monthly reports. The Building Inspector shall make a monthly report to the Town Board of permits issued, fees collected and inspections made.~~

C. Permit lapses

~~(1) General. Permits issued under this chapter, except permits for one- and two-family dwelling units, shall lapse and be void unless construction or work thereunder has commenced within six months or if construction has not been completed within one year from the date of issuance. Construction has commenced if the footings or foundation has been excavated to a point where footing or foundation work can begin.~~

~~(2) One- and two-family dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of 24 months from date of issuance.~~

~~(3) Reissuance of permits. In the event any work for which a permit was issued is not completed within 24 months for one- and two-family dwelling units and within one year for other construction or work authorized by a valid permit issued under this chapter, then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be 1/2 of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.~~

D. Revocation of permits.

~~(1) The Building Inspector may revoke any building, plumbing, HVAC, or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:~~

~~(a) Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him.~~

~~(b) Whenever the continuance of any construction becomes dangerous to life or property.~~

~~(c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.~~

~~(d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job.~~

~~(e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.~~

~~(f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.~~

~~(2) The notice revoking a building, plumbing, electrical, or HVAC permit or certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.~~

~~(3)~~

~~A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.~~

~~(4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.~~

~~E. 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.~~

~~F. Application. Application for a building permit shall be made in writing upon a form furnished by the Town of Cedarburg 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 or other Town officials may require.~~

~~G. Site plan approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one and two family residences in residentially zoned districts, shall require site plan approval by the Plan Commission and Town Board in accordance with Article XII of the Zoning Code.^[2] As a part of said site plan approval requirement, any building permit application for construction, except in an industrial zoned district, of new developments and/or new structures shall comply with the design standards as set forth in § **320-10J** of the Zoning chapter and conform to the applicable standards of the Town of Cedarburg Design Guidelines and Standards Manual.^[3]~~

~~[Amended 8-6-2014 by Ord. No. 2014-8]~~

~~[2]: Editor's Note: See Ch. **320**, Zoning.~~

~~[3]: Editor's Note: The Town of Cedarburg Design Guidelines and Standards Manual is on file in the Town offices and available through the Town's website.~~

H. Plans.

~~(1) Construction plans. With such application, there shall be submitted two complete sets of constructions plans and specifications for one and two family dwellings and three complete sets of construction plans and specifications for commercial and industrial buildings. Plans shall be drawn to a minimum scale of 1/4 inch to one foot. One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications~~

shall be signed by the designer. Plans for all new one and two family dwellings shall comply with the provisions of § Comm 20.09(4), Wis. Adm. Code.

~~(2) Plot plans. A plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plot plans shall be drawn to a recognized scale.~~

~~I. 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.~~

~~J. Approval of plans.~~

~~(1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town 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.~~

~~K. Dedicated street and approved subdivision required. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board, upon the recommendation of the Plan Commission.~~

~~L. Improvements and deposit required.~~

~~(1) Driveway. No building permit shall be issued by the Building Inspector for the construction of any type of building or structure on any land adjacent to a public street until a driveway for vehicular traffic has been provided from the public street; such driveway shall be constructed of approved granular materials placed over a culvert pipe located in the drainage adjacent to such street in accordance with a culvert permit issued by the Town Director of Public Works of the Town of Cedarburg. In no case shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent shoulder of the public street, and said granular driveway shall extend to the right-of-way line before a building permit is issued. The bottom course of the driveway shall be installed over its full length and width from the public street right-of-way to the residential garage immediately after the building foundation has been approved by the Building Inspector and should be maintained until the completion of the house, but in no case shall an occupancy certificate be issued until the upper course of the granular driveway has been installed. The bottom course of the driveway may be constructed of large size stones or crushed rock, except along that part adjacent to the culvert pipe, and the upper course shall consist of fine to medium well graded crushed gravel or crushed rock.~~

~~(2) Cash deposit. No building permit shall be issued by the Building Inspector for construction of a residential, commercial, industrial or agricultural building on any land adjacent to a public street until a cash deposit in the amount of \$500 has been made by the applicant for each building permit. Such payment shall be made to the Building Inspector at the time of application for issuance of a building~~

permit and the amount of such deposit shall be retained by the Town Treasurer until an occupancy permit has been granted for such building on the premises. In the event that any damage is done to the drainage as a result of such construction or any dirt, ground, soil, organic material or any other debris is deposited, tracked, pushed or left on the pavement or shoulder of any public street as a result of such construction, said deposit shall be used to defray the Town's expenses to repair any such damage or do such cleanup work as is necessary. In the event that no damage has occurred to such drainage and roadway and cleanup by the Town is not necessary, said deposit shall be refunded to the applicant for the building permit at the time a certificate of occupancy has been granted for such building.

~~(3) Penalty. Any person, firm, company or corporation who or which violates any of the provisions of this Subsection L, who by means of a vehicle enters or leaves a parcel of land from or onto a public road without doing so over an approved driveway, or who resists the enforcement of this Subsection L, shall upon conviction be subject to a penalty as provided in § 108-19 of this chapter.¹⁴¹~~

~~[4]: Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).~~

M. Inspection of work.

~~(1) The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two business days after notification all buildings at the following states of construction:~~

~~(a) Footings and foundation.~~

~~[1] Footings: prior to pouring of the footing but after forms are set.~~

~~[2] Foundation: the foundation wall prior to backfilling.~~

~~(b) General framing, rough electrical, plumbing and heating.~~

~~(c) Insulation.~~

~~(d) Completion of the structure. For commercial and industrial buildings only, this means that the entire building, interior and exterior, shall be completed and comply with all provisions of the State Building Codes, conditional use permit and the approved plans as submitted to the Building Inspector. Signs, landscaping and decorative lighting do not need to be completed before the occupancy permit can be issued unless specifically noted by the Plan Commission. Requests to occupy a building prior to the aforementioned requirements being completed require approval of the Town Board.~~

~~(2) If the Building Inspector finds that the work conforms to the provisions of this chapter, he/she shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.~~

N. Enforcement.

~~(1) Certified inspector to enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Ch. COMM 5, Wis. Adm. Code.~~

~~(2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board.~~

~~(3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.~~

~~(4) Inspection powers. The Building Inspector or an authorized certified agent may at all reasonable hours 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 such premises to the Building Inspector or his/her agent while in performance of his/her duties.~~

~~(5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and two family dwellings shall be kept.~~

~~(6) Report of violations. Town officers shall report at once to the Building Inspector any building that is being carried on without a permit as required by this chapter.~~

§ 108-6. Building permits and inspection.

A. General permit requirement. No building of any kind shall be moved within the Town and no new building or structure, plumbing, electric, HVAC, or any part thereof shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, 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 representative. Any application for a permit submitted to the Building Inspector involving a designated landmark, landmark site or improvement in an historic district shall be filed with the Landmarks Commission. Unless written approval has been granted by the Commission, the Building Inspector shall not issue any permit for any such work.¹

B. Issuance of permits.

- (1) Payment of fees. Except as otherwise specifically provided, all permit, license and inspection fees required under this chapter shall be collected by the Town Administrator or Clerk prior to the issuance of the permit or license, and the Town Administrator or Clerk shall notify the various inspectors when such fee is paid. No permit or license shall be issued or reissued or inspection performed until the required fees are paid.
- (2) Monthly reports. The Building Inspector shall make a monthly report to the Town Board of permits issued, fees collected and inspections made.

C. Permit lapses

- (1) General. Permits issued under this chapter, except permits for one- and two-family dwelling units, shall lapse and be void unless construction or work thereunder has commenced within six months or if construction has not been completed within one year from the date of issuance. Construction has commenced if the footings or foundation has been excavated to a point where footing or foundation work can begin.
- (2) One- and two-family dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of 24 months from date of issuance.
- (3) Reissuance of permits. In the event any work for which a permit was issued is not

1. Editor's Note: See also Ch. 186, Landmarks Preservation.

completed within 24 months for one- and two-family dwelling units and within one year for other construction or work authorized by a valid permit issued under this chapter, then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be 1/2 of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.

D. Revocation of permits.

- (1) The Building Inspector may revoke any building, plumbing, HVAC, or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (a) Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him.
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.
 - (c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing, electrical, or HVAC permit or certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
- (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this chapter. However, such work as the Building Inspector may order

as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

- E. 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.
- F. Application. Application for a building permit shall be made in writing upon a form furnished by the Town of Cedarburg 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 or other Town officials may require.
- G. Site plan approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residentially zoned districts, shall require site plan approval by the Plan Commission and Town Board in accordance with Article XII of the Zoning Code.² As a part of said site plan approval requirement, any building permit application for construction, except in an industrial zoned district, of new developments and/or new structures shall comply with the design standards as set forth in § 320-10J of the Zoning chapter and conform to the applicable standards of the Town of Cedarburg Design Guidelines and Standards Manual.³ [Amended 8-6-2014 by Ord. No. 2014-8]
- H. **1 & 2 Family Plans.**
 - (1) Construction plans. With such application, there shall be submitted two complete sets of constructions plans and specifications for one- and two-family dwellings and three complete sets of construction plans and specifications for commercial and industrials buildings. Plans shall be drawn to a minimum scale of 1/4 inch to one foot. One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services ~~Commerce~~. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one and two-family dwellings shall comply with the provisions of § SPS 320.09(4) ~~Comm 20.09(4)~~, Wis. Adm. Code.
 - (2) Plot plans. A plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and

2. Editor's Note: See Ch. 320, Zoning.

3. Editor's Note: The Town of Cedarburg Design Guidelines and Standards Manual is on file in the Town offices and available through the Town's website.

procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plot plans shall be drawn to a recognized scale.

- I. 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.
- J. Approval of plans.
 - (1) If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town 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.
- K. Dedicated street and approved subdivision required. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board, upon the recommendation of the Plan Commission.
- L. Improvements and deposit required.
 - (1) Driveway. No building permit shall be issued by the Building Inspector for the construction of any type of building or structure on any land adjacent to a public street until a driveway for vehicular traffic has been provided from the public street; such driveway shall be constructed of approved granular materials placed over a culvert pipe located in the drainage adjacent to such street in accordance with a culvert permit issued by the Town Director of Public Works of the Town of Cedarburg. In no case shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent shoulder of the public street, and said granular driveway shall extend to the right-of-way line before a building permit is issued. The bottom course of the driveway shall be installed over its full length and width from the public street right-of-way to the residential garage immediately after the building foundation has been approved by the Building Inspector and should be maintained until the completion of the house, but in no case shall an occupancy certificate be issued until the upper course of the granular driveway has been installed. The bottom course of the driveway may be constructed of large-size stones or crushed rock, except along that part adjacent to the culvert pipe, and the upper course shall consist of fine to medium well-graded crushed gravel or crushed rock.
 - (2) Cash deposit. No building permit shall be issued by the Building Inspector for construction of a residential, commercial, industrial or agricultural building on any land adjacent to a public street until a cash deposit in the amount of \$500 has been made by the applicant for each building permit. Such payment shall be made to the

Building Inspector at the time of application for issuance of a building permit and the amount of such deposit shall be retained by the Town Treasurer until an occupancy permit has been granted for such building on the premises. In the event that any damage is done to the drainage as a result of such construction or any dirt, ground, soil, organic material or any other debris is deposited, tracked, pushed or left on the pavement or shoulder of any public street as a result of such construction, said deposit shall be used to defray the Town's expenses to repair any such damage or do such cleanup work as is necessary. In the event that no damage has occurred to such drainage and roadway and cleanup by the Town is not necessary, said deposit shall be refunded to the applicant for the building permit at the time a certificate of occupancy has been granted for such building.

- (3) Penalty. Any person, firm, company or corporation who or which violates any of the provisions of this Subsection L, who by means of a vehicle enters or leaves a parcel of land from or onto a public road without doing so over an approved driveway, or who resists the enforcement of this Subsection L shall upon conviction be subject to a penalty as provided in § 108-19 of this chapter.⁴

M. Inspection of work.

- (1) The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two business days after notification all buildings at the following states of construction:
 - (a) Footings and foundation.
 - [1] Footings: prior to pouring of the footing but after forms are set.
 - [2] Foundation: the foundation wall prior to backfilling.
 - (b) General framing, rough electrical, plumbing and heating.
 - (c) Insulation.
 - (d) Completion of the structure. For commercial and industrial buildings only, this means that the entire building, interior and exterior, shall be completed and comply with all provisions of the State Building Codes, conditional use permit and the approved plans as submitted to the Building Inspector. Signs, landscaping and decorative lighting do not need to be completed before the occupancy permit can be issued unless specifically noted by the Plan Commission. Requests to occupy a building prior to the aforementioned requirements being completed require approval of the Town Board.
- (2) If the Building Inspector finds that the work conforms to the provisions of this chapter, he/she shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

N. Enforcement.

- (1) Certified inspector to enforce. The Building Inspector and his delegated

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

representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code and the Wisconsin Commercial Building Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Ch. SPS 305 COMM-5, Wis. Adm. Code.

- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter, the Uniform Dwelling Code and the WI Commercial Building Code.
- (4) Inspection powers. The Building Inspector or an authorized certified agent may at all reasonable hours 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 such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings shall be kept.
- (6) Report of violations. Town officers shall report at once to the Building Inspector any building that is being carried on without a permit as required by this chapter.

§ 108-7. Construction standards and codes adopted.

- A. State Uniform Dwelling Code adopted. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. SPS 320-325, ~~Comm 20 through 25~~, Wis. Adm. Code, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in the Town. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.
- B. State Commercial Building Code adopted. Chapters SPS 361-366, ~~Comm 61 through 65~~, Wis. Adm. Code (Wisconsin State 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 SPS 361-366 Chs. ~~61 to 65~~ incorporated herein are intended to be made a part of this code. A copy of said SPS 361-366 Chs. ~~61 to 65~~ and amendments thereto shall be kept on file in the office of the Building Inspector.
- C. State Plumbing Code adopted. The provisions and regulations of Ch. 145, Wis. Stats., and

Chs. SPS 381-387 ~~Comm 25 and Comm 82 through 85~~, Wis. Adm. Code, are hereby made a part of this chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this chapter.

D. State Electrical Code adopted.

- (1) The following chapters of the Wisconsin Administrative Code are adopted by reference and made a part of this chapter:

SPS 316 Electrical Code, Volume 2
~~Comm 16~~

~~Comm 17~~ ~~Electrical Inspection and Certification of Electrical Inspectors and Master Electricians~~

~~Comm 17~~ ~~Subchapter H, Electrical Inspection of Public Buildings and Places of Employment~~

SPS 324 Electrical Standards
~~Comm 24~~

- (2) All electrical work shall be done by qualified persons and/or State of Wisconsin licensed and insured electrical contractors, with the following exceptions:

- (a) Residential property owners may replace electrical fixtures, appliances and equipment or make minor repairs with a proper permit (if required) and approval from the Town Electrical Inspector. All work shall conform to this chapter and Ch. SPS 316 ~~Comm 16~~, Wis. Adm. Code.
- (b) Residential property owners may move electrical fixtures, switches, boxes, etc., if part of a construction project where a building permit is issued and inspections are made. All work shall conform to this chapter and Ch. SPS 316 ~~Comm 16~~, Wis. Adm. Code.
- (c) Electrical wiring may be done which involves adding not more than two circuits provided that proper permits and approvals are obtained from the Town Electrical Inspector prior to that work being done. All work shall conform to this chapter and Ch. SPS 316 ~~Comm 16~~, Wis. Adm. Code.

E. Existing buildings.

- (1) An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied, shall conform to the Wisconsin Uniform Dwelling Code.
- (2) Any existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds 50% of the assessed value of the structure, said value to be determined by the Town Assessor, shall be brought up to code existing at the time of the proposed alteration or repair.
- (3) Additions and alterations, regardless of cost, made to an existing building when

deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this chapter for new buildings. The provisions of § 108-2 and this § 108-3 shall also apply.

- (4) Roof coverings. Whenever more than 25% of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable sections of this chapter.
- (5) 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 and use but is of a substandard type of construction, 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. [Amended 10-4-2006 by Ord. No. 2006-11]
 - (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 exterior aesthetic appearance and which do not increase a given occupancy or use shall be deemed minor repairs.

- F. Town of Cedarburg Design Guidelines and Standards adopted. The standards of the Town of Cedarburg Design Guidelines and Standards in accordance with Articles II and XII of the Zoning Code⁵ are adopted by reference and made a part of this chapter.⁶ [Added 8-6-2014 by Ord. No. 2014-8]

§ 108-8. New methods and materials.

- A. State approval needed. All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved in writing by the State Department of Safety and Professional Services ~~Commerce~~ 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.
- B. Installation. 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 State Department of Safety and Professional Services ~~Commerce~~. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Safety and Professional Services ~~Commerce~~.


5. Editor's Note: See Ch. 320, Zoning.

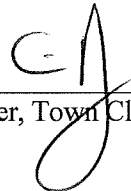
6. Editor's Note: The Town of Cedarburg Design Guidelines and Standards Manual is on file in the Town offices and available through the Town's website. See also § 320-10J.

(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin,
this 4th day of March, 2015.


David M. Valentine
Town Chairman


Eric Ryer, Town Clerk