

CHAPTER 14

BUILDING CODE

14.01	Purpose
14.02	Wisconsin Uniform Dwelling Code Adopted
14.03	Building Inspector
14.04	Building Permit Required
14.05	Building Permit Fee
14.06	Remodeling Permit Required
14.065	Non-Issuance of Permit
14.20	Erosion Control
14.25	Penalties

14.01 PURPOSE. The purpose of this Ordinance is to:

- (a) Exercise jurisdiction over the construction and inspection of new one-and two-family dwellings;
- (b) Provide plan review and on-site inspections performed by persons or agencies certified by DILHR;
- (c) Establish and collect fees to defray costs;
- (d) Provide remedies and penalties for violations. [Ord. 387]

14.02 WISCONSIN UNIFORM DWELLING CODE ADOPTED. Chpt. COMM 20, 21, 22, 23, 24 and 25 Wis. Admin. Code, and all amendments thereto, are adopted and incorporated herein by reference. [Ord. 381, 523 8/02]

14.03 BUILDING INSPECTOR. (a) There is hereby created the position of Building Inspector, and such other deputy building inspectors as may be deemed necessary, who shall administer and enforce this Ordinance, who shall be certified by Dept. of Commerce as specified by Wisconsin Statutes, Section 101.66 (2). This appointment shall be made by the Village Board. [Ord. 133, 381, 523 8/02, 532 7/03]

(b) The building inspector and deputy building inspector shall conduct all inspections required under this Chapter and the Wisconsin Uniform Dwelling Code adopted under this Chapter by reference. Inspections are intended to report conditions of non-compliance with Code standards that are readily apparent at the time of inspections. The inspections are not intended to involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials is expressed or implied. This Chapter shall not be construed as creating or assuming any liability on the part of the Village or its officials for damages to anyone injured or to any property damaged or destroyed by any defect in any building or equipment, or in any plumbing or electrical equipment, or any flammable materials, equipment, or devices. [Ord. 532]

14.04 BUILDING PERMIT REQUIRED. No person shall build or cause to be built any family dwelling without first obtaining a state uniform building permit for such dwelling from the

Building Inspector. The Building Permit shall expire 24 months after issuance if the exterior has not been completed. The Permit may be renewed upon application to the Building Inspector for a period not to exceed 12 months. The applicant shall pay the Permit fee required under Sec. prior to the issuance of any original or renewal permit hereunder. [Ord. 381, 449, 578 08/07]

14.05 BUILDING PERMIT FEE. There shall be charged for all new construction a building permit fee. The building permit fee shall be in an amount as is established from time to time by resolution of the Village Board.

[Ord. 210, 381, 475, 481, 569 03/07]

14.06 REMODELING PERMIT REQUIRED. (1) No person shall remodel any structure in the Village of Ellsworth without first obtaining a remodeling permit. The term "structure" has that meaning set forth in Section 46.10 (62) of the Municipal Code.

[Ord. 635 09/2013]

(2) No permit shall be required for the installation or reinstallation of carpeting, tile or other floor covering; and, no permit shall be required where the cost of remodeling does not exceed the sum of \$500.00; and no permit shall be required where a use permit has been obtained for a proposed structural alteration. The cost of remodeling shall include the fair market value of all materials and labor used in connection with same.

(3) A remodeling permit may be obtained from the Village Clerk, upon application being made on forms provided, and upon payment of a permit fee in an amount as is established from time to time by resolution of the Village Board. [Ord. 475]

(4) The issuance of a remodeling permit shall not eliminate the need for, or be deemed a substitution of, a use permit where a use permit is required under the Village of Ellsworth Zoning Ordinance.

(5) A permit issued under this Section shall be valid for a period of one year from date of issuance. [Ord. 402]

14.065 NONISSUANCE OF PERMIT. No building permit or remodeling permit shall be issued under §14.04 or §14.06 where the building inspector or health officer has commenced investigation or taken other action leading to the recommendation that a premises, with respect to which said building inspector or health officer believes same to be an old,

dilapidated or out out-of-repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation, be subject to a raze or repair order under §10.06(4) of this Code and §66.0413, Wis. Stats. In such instance the owner of the premises shall make application for building permit directly to the Village Board and the Village Board will grant said permit only in the event it appears the premises can be made safe, sanitary and fit for human habitation, occupancy and use by repairs as provided in §10.06(4) and §66.0413, Wis. Stats. [Ord. 541 08/2004]

14.20 EROSION CONTROL. (1) DEFINITIONS. (a)

"Agricultural land use" means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(b) "Land developing activity" means the construction of buildings, roads, parking lots, paved storage areas and similar facilities, where the activity involves the removal, transportation, land filling or excavation affecting 100 cubic yards or more of dirt, sand, ground cover or other excavation material.

(c) "Land disturbing construction activity" means any man-made change of the land surface including the removing of vegetation cover, excavating, filling and grading where the total amount of soil or land surface materials moved, transported or altered is in excess of 100 cubic yards.

(d) "Site" means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(2) No land owner or user may commence a land disturbance or land development activity subject to this Section without receiving prior approval for the proposed disturbance or development at the site in the form of a permit from the Zoning Administrator or Village Board. The Zoning Administrator may impose such conditions or restrictions on the site activity as he may deem appropriate. The Zoning Administrator, in his discretion, may refer the application for such permit to the Village of Ellsworth Landfill Committee and/or the Village Board. The Administrator, Committee or Board may issue such conditions or restrictions on the site activity as it may deem appropriate. At least one land owner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Ordinance shall submit an application for a permit to the Village Clerk prior to the

commencement of such activity.

(3) This Section shall not apply to construction projects conducted by the Village of Ellsworth.

(4) Notwithstanding the penalty provisions of this Chapter, any person violating this Section shall be subject to a forfeiture of not less than \$250.00 nor more than \$500.00, for each violation, together with the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense. In addition to the foregoing, any person violating the provisions of this Ordinance shall be responsible for restoring and returning the site to the condition it was in prior to the commencement of the land disturbing or land developing activity. [Ord. 375]

14.25 PENALTIES. The enforcement of this section and all other laws and Ordinances relating to buildings shall be by means of the withholding of building permits, imposition of forfeitures as provided under Section 25.04, and injunctive action. [Ord. 595 09/09]