

## Chapter 25

### BUILDING CONSTRUCTION

**[HISTORY: Adopted by the Town Board of the Town of Scott as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Driveways — See Ch. 40.  
Subdivision of land — See Ch. 231.  
Zoning — See Ch. 280.

#### ARTICLE I

##### Building Inspections

**[Adopted 1-15-1991 by Ord. No. 1-1991]**

##### **§ 25-1. New residential and commercial construction.**

Only new residential and/or commercial construction shall require the issuance of a building permit and comprehensive inspection by the Town's Building Inspector.

##### **§ 25-2. Requirements for other construction types.<sup>1</sup>**

All other new construction, repair and/or alterations (including demolition/razing) of existing buildings, where said construction, repair and/or alteration has a value in excess of \$200, shall require a permit issued by the Building Inspector for a fee as prescribed in the Town Fee Schedule. No inspections shall be required. The current Town Fee Schedule is on file at the office of the Town Clerk.

##### **§ 25-3. Permits to be obtained prior to construction.**

Permits for §§ 25-1 and 25-2 above shall be obtained prior to the commencement of construction.

##### **§ 25-4. Violations and penalties.**

Failure to obtain the permits defined above will result in the forfeiture of a fine equal to 10% of the assessed valuation of the improvement (not to exceed \$300), as determined by the Town's Assessor.

#### ARTICLE II

##### Building Code

**[Adopted 3-14-1991 by Ord. No. 2-1991]**

##### **§ 25-5. Title.**

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

This article shall be known as the "Building Code of the Town of Scott."

**§ 25-6. Purpose.**

The purpose and intent of this article are to:

- A. Promote the health, safety, and general welfare;
- B. Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and the erection, alteration, repairing, moving and demolition of all other buildings and structures in the Town of Scott;
- C. Provide plan review and on-site inspections for erection, alteration, repairing, moving, and demolition of all buildings and structures in the Town of Scott by Town of Scott inspectors certified by the Department of Safety and Professional Services;<sup>2</sup>
- D. Establish and collect fees to defray administrative and enforcement costs;<sup>3</sup>
- E. Establish remedies and penalties for violations; and
- F. Establish use of the Wisconsin uniform building permit.

**§ 25-7. 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 to 325, Wis. Adm. Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this article 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 article. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this article to secure uniform statewide regulation of new one- and two-family dwellings in the Town of Scott of the State of Wisconsin. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the office of the Town of Scott Building Inspector.

**§ 25-8. Wisconsin Uniform Building Code adopted.**

To the extent that the State Uniform Dwelling Code does not apply and subject to the modifications hereinafter set forth, the Wisconsin Uniform Building Code governing the design, construction, alteration, demolition, and moving of buildings and structures is hereby adopted and by reference made a part of this article as if fully set forth herein. Any future amendments, revisions, or modifications of the Wisconsin Uniform Building Code are intended to be made a part of this article. However, the following modifications to the Wisconsin Uniform Building Code shall supersede the applicable provisions thereof:

- A. Section 30.05(1) is modified by the addition of the following thereto: "A building permit shall be required for any alterations to existing buildings involving structural changes

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

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

thereto, including repairs to existing buildings, including windows, roofing and siding, except agricultural buildings."

- B. Section 30.05(2)(a) is modified to provide that the certified survey map need not necessarily have been made within one year of the application for building permit.
- C. Section 30.07 is modified to delete all references to the Planning Commission and to further provide that all functions of the Planning Commission therein shall be performed by the Building Inspector.
- D. Section 30.07(8)(c) is created as follows: "The above provisions notwithstanding, the Building Inspector shall not be authorized to issue a building permit for any dwelling intended to house more than two families without the consent of the Planning Commission."<sup>4</sup>

**§ 25-9. Zoning permit.**

- A. Zoning permit required. No new structure, new use of land or air or change in the use of land or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- B. Application. Applications for a zoning permit shall be made in duplicate to the Building Inspector and shall include the following, where pertinent and necessary for proper review:
  - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
  - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) A location sketch or, where deemed appropriate by the Building Inspector, a plat survey prepared by a registered land surveyor showing the location, boundaries, dimensions, and elevations of the site and the proposed development. The scale shall not be smaller than one inch equals 40 feet. The sketch or plat of survey shall show sizes of the following, where applicable: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. In addition, the sketch or plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site.
  - (4) A photocopy of any necessary shoreland or floodplain zoning permits secured from the Sheboygan County Planning Office.
  - (5) A photocopy of any necessary sanitary permits secured from the Sheboygan County

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

Planning Office.

- (6) Additional information as may be required by the Building Inspector or the Planning Commission or the Town Board (if involved).<sup>5</sup>

C. Action.

- (1) A zoning permit in an agricultural or residential district shall be granted or denied in writing by the Building Inspector within seven working days. Business and industrial zoning permits shall be granted or denied in writing within 30 calendar days.<sup>6</sup>
- (2) The permit shall expire within six months unless substantial work has commenced or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration the applicant shall reapply for a zoning permit before commencing work on the structure.
- (3) Any permit issued in conflict with provisions of this article shall be null and void.

D. Uses not requiring a zoning permit. No zoning permit shall be required for any of the following cases; however, any work that qualifies for an exemption under this subsection shall be required to comply with the applicable setback, yard, height and other requirements set forth in this code:

- (1) For building an accessory building less than 150 square feet in area.
- (2) For any improvement or alteration to an existing building less than 150 square feet in area which does not change its use.
- (3) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

**§ 25-10. Building Inspector.**<sup>7</sup>

For the purpose of administrating and enforcing the provisions of this article, there is hereby created the office of Town Building Inspector. This office shall be filled by appointment by the Town Chairman, with the approval of the Town Board. The Town Building Inspector shall be certified for inspection purposes by the Department of Safety and Professional Services in each of the categories specified under Ch. SPS 305, Wis. Adm. Code.

- A. The Town Building Inspector shall administer and enforce all provisions of this article and the Uniform Dwelling Code and the Uniform Building Code.
- B. The Town Building Inspector 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 the performance of his/her duties.

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

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

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

- C. The Town Building Inspector shall perform all administrative tasks required by the State of Wisconsin under the Uniform Dwelling Code. In addition, the Town Building Inspector shall keep a record of all applications for building permits in a file 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. The Town Building Inspector shall make a written monthly and annual report to the Town Board relative to these matters.

**§ 25-11. Appeals.** <sup>8</sup>

Any person aggrieved by a decision of the Town Building Inspector shall have the right to appeal said decision to the Building Code Board of Appeals. The Building Code Board of Appeals shall be composed of the members of the Town of Scott Board of Appeals. The procedure for the Building Code Board of Appeals shall be the same as that for the Board of Appeals as set forth in Chapter 280, Zoning, of this Code and amendments thereto.

**§ 25-12. Liability for damages.**

This article shall not be constructed as an assumption of liability by the Town for damages because of injuries sustained or property destroyed by a defect in any dwelling or equipment.

**§ 25-13. Severability.**

If any section, clause, provision or portion of this article, of the Wisconsin Uniform Building Code, or of Chs. SPS 320, 321, 322, 323, 324, and 325, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**§ 25-14. Fees for building permits and inspections.**

- A. At the time the application for a building permit is filed, the applicant shall pay fees as set forth in an annually approved resolution. Said fees shall be paid to the Town of Scott Clerk.
- B. Failure to obtain a permit prior to commencement of work results in double fees.
- C. In determining costs, all construction shall be included. In applying the provisions of this code in respect to new work, existing buildings, alterations and repairs, the value of the work shall be determined by the Building Inspector on the basis of current costs for material and reasonable prices for doing the work.

**§ 25-15. Violations and penalties.** <sup>9</sup>

- A. No person shall erect, use, occupy, maintain, alter, repair, move, or demolish any building or structure in the Town of Scott in violation of any provision of this article or cause or permit any such violation to be committed. Any person violating any of the provisions of

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

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

this article shall, upon conviction for each violation, be subject to a forfeiture of not more than \$500, together with the costs of prosecution. Each day that the violation continues after notice shall constitute a separate offense.

- B. If an inspection reveals a noncompliance with this article, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to § SPS 320.21, Wis. Adm. Code.
- C. If, after written notification, the violation is not corrected within 30 days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this article.