

**Town of Kinnickinnic  
Building Code  
Adopted under Ordinance No. 2010-1A**

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**Town of Kinnickinnic  
Building Ordinance  
Ordinance No. 2010-1A**

- 1.1) **TITLE**: The Ordinance shall be known as and referred to as the “Building Ordinance of the Town of Kinnickinnic”.
- 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, and the State Building, Plumbing, Electrical and HVAC Codes, and any other Wisconsin Administrative Code or Wisconsin State statute provisions pertaining to residential and commercial buildings.
- 1.3) **SCOPE**: The provisions of this Ordinance shall govern the design, construction, alteration, demolition, and moving of all buildings and structures within the Town of Kinnickinnic.

**A.) INCLUSIONS:**

The scope of this Ordinance includes the construction and inspections of all new and existing buildings, structures, and one-and-two family dwellings built within the Town. New buildings or structures erected or any buildings or structures moved within or into the Town will be considered new buildings and shall conform to all the requirements of this Ordinance, except as they are herein specially exempted from part or all of these provisions. The provisions of this Ordinance apply to all alterations, enlargements, or demolitions of existing buildings or structures. Any installation of electrical, gas, heating, plumbing or ventilation equipment is an alteration constituting a “new building” to the extent of such change. Any existing building shall be considered a “new building” for the purpose of this Ordinance whenever it is used for dwelling purposes unless it was being used for such purposes at the time the Ordinance was enacted.

**B.) EXCLUSIONS:**

Building permits are not required for construction or remodeling of silos, elevators, grain bins, windmills, corn cribs, or residential accessory structures less than 180 square feet in total size which do not have any electrical, plumbing or HVAC components. However, these structures must meet set backs outlined in the St. Croix County Zoning Code. Changes such as, but not limited to, replacement of doors, windows, residing, re-roofing, finishing of interior surfaces and installation of cabinetry are deemed maintenance when not involving structural, plumbing or electrical changes, and are exempt from the permit requirements of this Ordinance.

**1.4) CONSTRUCTION STANDARDS AND CODES ADOPTED.**

**A. State Uniform Dwelling Code adopted.** The Wisconsin Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chs. Comm. 20 through 25 Wis. Adm. Code are hereby adopted by reference and made a part of this Ordinance as it is fully set forth herein. Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Ordinance. Any amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated herein are made part of this Ordinance and incorporated herein by reference in order to secure, adopt and preserve uniform statewide regulation of one- and two-family dwellings in the Town. The Wisconsin Uniform Dwelling Code shall also apply to all buildings and structures within the scope of this Ordinance including, but not limited to, accessory buildings and structures such as decks, sheds, garages, gazebos, barns, studios, workshops, and similar buildings and structures. A copy of these Wisconsin 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 Comm. 61 through Comm. 65, Wis. Adm. Code (Wisconsin State Building Code), are hereby adopted and made a part of this Ordinance with respect to those classes of buildings to which this Ordinance specifically applies. Any future amendments, revisions and modifications of said Chs. 61 to 65 are hereby incorporated herein by reference. A copy of said 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. Comm. 25 and Comm. 82 through 85, Wis. Adm. Code, are hereby made a part of this Ordinance 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 the Wisconsin Administrative Code are hereby made part of this Ordinance.

**D.) State Electrical Code adopted.**

(1) The following chapters of the Wisconsin Administrative Code are adopted by reference and made a part of this Ordinance. Any further amendments, revisions and modifications of said Wisconsin Administrative Code are hereby adopted by reference and made part of this Ordinance:

- (a) Comm. 16, Electrical Code,
- (b) Comm. 5, Electrical Inspection and Certification of Electrical Inspectors and Master Electricians

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

- (a) Residential property owners may replace electrical fixtures, appliances and equipment. They may also make minor repairs with a proper permit (if required) with the approval of the Town Electrical Inspector. All work shall conform to this Ordinance and Ch. 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. Comm 16, Wis. Adm. Code.

**E. Existing Buildings and Structures**

(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) Additions made to an existing building or structure shall comply with the requirements of this Ordinance for new buildings. The provisions of Sec 1.3A and this Section shall also apply.

(3) Alterations and repairs. The following provisions shall apply to buildings or structures 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 Ordinance applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations.
- (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 and **shall not require a permit.**

**1.5) BUILDING INSPECTOR:**

**A.) APPOINTMENT and GENERAL POWERS:**

The Town Board shall appoint the Building Inspector. The Building Inspector shall administer and enforce this Ordinance; and shall be certified by the Department of Commerce, Division of Safety and Buildings, as specified by Wisconsin Statutes, section 101.66(2), in the category of Uniform Dwelling Code Inspector and must be certified to inspect commercial buildings. The Building Inspector shall be certified in the categories of UDC, HVAC, Erosion Control, Construction, Electrical, and Plumbing and the inspection duties shall include inspection of commercial buildings. For the purposes of this chapter, the Building Inspector shall have the right at all reasonable times to enter all buildings and premises. The Building Inspector shall have the power to pass upon any questions arising under the provisions of this Ordinance relating to buildings, subject to conditions contained in this Ordinance. Any person interfering with the Building Inspector while in the performance of the duties prescribed in this Ordinance shall be subject to a penalty as hereinafter provided. Any person feeling aggrieved by any order or ruling of the Building Inspector may within 30 days thereafter appeal from such order or ruling to the Town Board, such appeal to be in writing.

**B.) COMPENSATION:**

The Building Inspector shall be compensated for services in an amount determined by the Town Board.

**C.) RECORDS:** The Building Inspector shall keep a record of all permits, fees and inspections.

These are public records and shall be retained by the Town. The Building Inspector shall make monthly and annual reports to the Town Board.

**1.6) APPLICATION OF STATE CODES**

It shall be the duty of the Building Inspector to enforce the provisions to this Ordinance. Any person violating any provision of this Ordinance shall be subject to the penalties as set forth in Section 1.15 of this Ordinance. If the Building Inspector finds at any time that the holder of the

permit refused to conform after a written warning or instruction has been issued, the Building Inspector shall revoke the building permit by written notice and post a “stop work” or “cease and desist” notice at the project site. After a permit is revoked, no person shall do any further work until the permit is reissued. This excludes any work that the Building Inspector has ordered to be done, either as a condition precedent to obtaining re-issuance of the permit or as may be required for the preservation of human life and safety.

**1.7) BUILDING PERMIT REQUIRED**

No person shall build, install, add onto, alter, or move into the Town, any building or structure within the scope of this Ordinance without first obtaining a permit. The permit must be obtained from the Building Inspector prior to any work being started. Where no such permit is obtained, the work of building, installing, etc., shall continue only upon receipt of a proper permit at a rate of double the normal permit fee(s), and payment of the penalties set forth in Section 1.15. Any structural changes to the mechanical, plumbing or electrical systems shall require permits. The Building Inspector must issue the permit before any work or excavation begins.

**1.8) DRIVEWAY PERMIT**

All driveways abutting, intersecting or joining a Town road shall be required to conform to the Town Road and Driveway Ordinance, No. 2008-1, dated March 4, 2008, and its Amendments. A driveway permit is required to be obtained and issued by the Town for all new and altered driveways. The Building Inspector must issue the permit before any work or excavation begins.

**1.9) APPLICATION FOR BUILDING PERMITS** – Requests for building permits shall be made to the Building Inspector. Application for a building permit shall be made in writing upon an application form furnished by the Building Inspector. The application shall state the name and address of the builder and the owner of the land on which the building or structure is to be erected. A legal description of the land on which the building or structure is to be located shall also be submitted, along with the location of the building on the property, the house number and such other information as the Building Inspector may require. With the building permit application there shall be submitted two (2) copies of a stake out survey or plot plan, and two (2) complete building plans and specifications.

**A.) Stake Out Survey or Plot Plan** – A recent stake out survey or plot plan shall be required for all lots or parcels of 35 acres or less. A stake out survey prepared by a surveyor, engineer or architect licensed by the State of Wisconsin will be required for vacant land where the first building or structure is being constructed. For parcels already containing a building or structure a plot plan shall be submitted which may be drawn by the owner or contractor as long as it complies with the requirements of this Section. The stake out survey or plot plan shall show at minimum the following:

1. Dimensions of the lot.
2. Type of monuments at each corner of lot.
3. Location and dimensions of all buildings on the lot, both existing and proposed.
4. Distances of all setbacks from the buildings to the lot lines or right-of-way.
5. All easements on the property.
6. Location of all existing or proposed driveways
7. Water courses or existing drainage ditches.
8. Date, seal and signature of surveyor.
9. Septic system components and well.
10. Scale
11. North Arrow

**B.) Building Plans** – Building plans for new residential structures must conform to all requirements of Comm. 20.09, and building plans for commercial structures must conform to all requirements of Comm 61.31(2). The following shall be shown on all building plans as a minimum. The Building Inspector may require additional information, plans, and specifications as deemed necessary to properly understand, approve and inspect the project.

1. Wall cross-sections
2. Foot print of building or structures
3. Footing and foundation detail
4. Roof and floor truss lay out
5. Erosion control plan (if needed)



**C.) Required Inspections** – Scheduling of the required rough and final inspections shall be the responsibility of the homeowner or contractor and shall take place prior to any work being covered or work proceeding. Inspections outlined under Comm.20.10 of the Wisconsin Uniform Dwelling Code shall be required for all residential buildings and accessory buildings and structures covered under this Ordinance. Commercial buildings shall comply with the Wisconsin Commercial Building Code, and those provisions are incorporated herein by reference. Failure to comply with this Section will result in penalties being assessed per Section 1.15 of this Ordinance and re-inspection fees applied.

### **1.10) BUILDING PERMIT FEES**

- A.)** The permit fees shall be set from time to time by resolution of the Town Board and kept on file in the office of Town Clerk.
- B.)** A sum as established from time to time by the Town Board under Section 1.10 shall be required to be deposited by each person building a residence, building or structure to ensure that any road damage is repaired, the final inspection is completed, and any non-complying works or improvements are corrected prior to occupancy. These funds will be held by the Town Treasurer and returned to the person issuing the check after an occupancy permit is issued and the building or structure and site are in compliance with all Town, County and State Codes and laws.

### **1.11) CONSTRUCTION DAMAGE DEPOSIT**

**A.) Road Damage Deposit Required.** Before a building permit is granted by the Building Inspector for any residential or commercial construction, the party applying for the permit shall provide to the Town a road damage deposit in the form of either a letter of credit or cash deposit in the amount required by the Town Fee Schedule resolution. The form of the letter of credit shall be subject to the approval of the Town Board.

**B.) Use of Road Damage Deposit/Property Owner Responsibility for Repair Damage to Road Caused by Construction.** The Town shall hold the letter of credit/cash deposit until the occupancy permit has been issued. If, at the time of occupancy, the roadway has not been damaged and all erosion control measures per Sec. 1.11(C) have been maintained, the letter of credit/cash deposit shall be released to the permit holder. If damage to the roadway has

occurred or erosion control measures have not been maintained, the letter of credit/cash deposit shall be held until the roadway has been restored to Town standards and the erosion control measures have been completed. If the property owner does not perform the necessary repair of erosion control work within the time set by the Town Board, the Town shall perform or contract for performance of the work using the letter of credit/cash deposit and, if the Town incurs additional expenses, the additional expenses shall be paid by the permit applicant and/or property owner who shall be jointly liable therefore. If said additional expenses remain unpaid, they shall be certified to the County as a special charge under Wis. Stat. Sec. 66.0627 to be assessed against the property and collected along with property taxes. The letter of credit/cash deposit shall be maintained at its full amount throughout the construction process. If the letter of credit/cash deposit is used to make repairs or install erosion control measures a stop work order shall be issued against the construction project and no further work or construction shall be undertaken until the letter of credit/cash deposit is restored to its full original amount.

**C.) Erosion Control Measures** – Erosion control measures for construction sites must conform to County Ordinances and Comm. 21.125, for 1 & 2 family dwellings, Comm. 61.115 for all commercial, industrial and multi-family construction sites.

- (1) All required erosion control measures must be installed at the start of construction and be maintained until construction is completed and the site is permanently stabilized.
- (2) Erosion control measures must be inspected by the property owner or contractor after each rain event and any repairs or clean up of sediment shall be completed within 24 hours of such event.
- (3) Written orders from the Town or County to repair or install erosion control measures must be completed within 48 hours of notice to do so which may be given in writing, e-mail, personal contact or by phone.
- (4) If after 48 hrs the required corrections have not been completed the Town shall:
  - a. Place a stop work order on the site.
  - b. Draw on the Construction Damage Deposit under Sec. 1.11 to complete all necessary corrections and clean up to stabilize the site.
  - c. Have the Construction Damage Bond restored to its full original amount under Section 1.11(B) and pay for any additional costs and fees the Town shall have

incurred. After all costs and fees have been reimbursed to the Town the stop work order shall be lifted and work may commence.

#### **1.12) UNSAFE BUILDINGS OR STRUCTURES**

**A.) Razing order.** Whenever the Town Board finds any building, structures, plumbing, electrical, or HVAC system, or part thereof to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use such that it would be unreasonable to repair the same, it may order the owner to raze and remove such building structure, plumbing, electrical, HVAC system, or part thereof, or, if it can be made safe by repairs, to repair same so as to make it safe and sanitary, or to raze and remove at the owner's option. Such Order proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

**B.) When alterations or moving not permitted.** When any existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Ordinance, and has deteriorated from any cause whatsoever to an extent greater than 50% of the assessed 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 razed and all resulting debris shall be removed from the premises.

**C.) 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. Any failing within the building or structure shall be considered a menace to public safety and the building or structure shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Ordinance are complied with.

**D.) Extent of deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

### **1.13) REGULATIONS FOR MOVING BUILDINGS OR STRUCTURES**

- A.) GENERAL** – No person shall move any building or structure into or out of or upon any of the public rights-of-way of the Town without first obtaining a Moving Permit from the Building Inspector and payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building or structure shall designate the route to be taken, the conditions to be complied with and shall limit the time during which moving operations occur.
- B.) MOVING DAMAGED BUILDINGS OR STRUCTURES** – No building or structure shall be moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections) to the extent of fifty (50) percent or more of its equalized value.
- C.) CONTINUOUS MOVEMENT** – The movement of buildings or structures shall be a continuous operation until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building or structure shall be allowed to remain overnight upon any Town road, crossing or intersection, so as to prevent easy passage. Lighted lanterns shall be kept in conspicuous places at each end of the building or structure during the night.
- D.) STREET REPAIR** – Every person receiving a permit to move a building or structure shall within one day after the building or structure reaches its destination report the fact to the Building Inspector who shall thereupon, in the company of the municipal highway commissioner, inspect the streets and highways over which the building has been moved and ascertain their condition. If the moving of the building or structure has caused any damage to any street or highway, the person to whom the permit was issued shall place them in good repair as they were before the permit was granted. On the failure of the permit holder to do so within ten (10) days thereafter to the satisfaction of the governing body, the Town shall repair the damage done to such streets and hold the person obtaining the permit and the sureties on their bond responsible for the payment of all repairs.
- E.) CONFORMANCE WITH ORDINANCES** – No permit shall be issued to move a building or structure within or into the Town and to establish it upon a Parcel or Lot within the Town until the Building Inspector has made an inspection of the building or structure at the location from which it is to be moved. The building or structure must be found to be in a sound and stable condition that it will meet the requirements of this Ordinance. A written report shall be

given to the Town Plan Commission and Town Board as to the result of the inspection. The permit holder shall pay all costs of the inspection at the time the moving permit is issued. A complete set of plans and specifications for further repairs, improvements and remodeling, with reference to such building or structure, shall be submitted to the Building Inspector for review. All such repairs, improvements and remodeling must conform to the requirements of the Town Ordinances. All Residential structures moved into the Town will be deemed new structures. In the event a building is to be moved from the Town to some point outside of the Town, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building or structure, may be disregarded.

**F.) BOND**

(1.) Before a permit is issued to move any building or structure into or out of or over any public way in the Town, the party applying for the moving permit therefore shall give a bond to the Town in a sum to be fixed by the Town Board and Town attorney which shall not be less than One Thousand Dollars (\$1000.00). The bond is to be executed by a corporate surety or two personal sureties to be approved by the governing body or designated agent conditioned upon 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 or expenses incurred by the Town in connection with the removal, moving or clean up cost for abandonment of the building for which the **moving** permit is issued. The bond shall be maintained for a minimum of one year or such other time as specified by the Town Board.

(2.) The bond required by Section 1.13(F)(1) shall be conditioned upon the permit holder erecting adequate barriers and within forty-eight (48) hours, filling in such excavation as approved by the Building Inspector. If the Building Inspector, upon inspection finds that the excavation exposed by the removal of the building or structure from a site within the Town from its foundation shall not be a nuisance or public health and safety hazard, permanent site stabilization may take place within 30 days.

**G.) INSURANCE** – The Town shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident in a sum not less than One Million Dollars

(\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000), or such other coverage as deemed necessary.

#### **H.) PLAN COMMISSION AND TOWN BOARD APPROVAL**

No moving permit shall be issued unless it has been approved by the Plan Commission with final approval by the Town Board, after an examination of the application for the moving permit which shall meet the following criteria and shall include:

- 1) A letter of intent summarizing the time frame for the moving operation, filling in of the excavation, the names, address, and phone numbers of the contractors and any and all work being performed.
- 2) Accurate photographs of all sides and views of the structure.
- 3) The building or structure in its new location will not be so at variance with the immediate neighborhood, as to cause a substantial depreciation in the property values of the neighborhood.
- 4) If the applicant proposes to alter or add onto the building or structure after moving, they shall submit, with their application for a Building permit, complete plans and specifications for the proposed alterations and/or additions.
- 5) Proof of financing or funds availability for the total cost to complete the project.
- 6) A time to be set by the Plan Commission to complete the proposed alterations to the building or structure in the manner set forth in their plans and specifications. No occupancy permit shall be issued for the building or structure until the alterations and/or additions proposed made have been completed.
- 7) Copies of any County or State permits or approvals.
- 8) Copy of the Sanitary Permit or proof that the new building or structure will be placed on a lot or parcel capable of installing a private onsite waste treatment system.

Upon application being made to the Building Inspector, the Town Clerk will place the request on the agenda for the next meeting of the Plan Commission to consider the application for a moving permit. The Plan Commission will hear from the applicant for the moving permit and review and

consider the proposed location on which the building or structure is to be moved to. Any persons, residents or property owners desiring to be heard after such notice of hearing may speak at the Plan Commission meeting, and such testimony will be used by the Plan Commission in making its final decision. The Plan Commission shall, in writing, approve, approve with conditions or deny based on the testimony and requirements required by Section 1.13(H) and refer their findings to the Town Board. Upon final approval of the Town Board, the Building Inspector may issue the moving permit.

#### **1.14) TEMPORARY RESIDENTIAL USE**

Only 1 residential structure is permitted on a single lot or parcel of land within the Town. Where an existing residential building or structure is being removed or razed after a new residential building or structure is constructed, all work related to the existing and new buildings or structures shall conform to this Section. If a temporary building or structure is moved onto a lot or parcel while the new residential building or structure is constructed, Sec. 1.13 for moving of structures within or into the Town shall apply. The Town may permit 2 structures temporarily after the following criteria have been met.

A.) A letter of intent addressing the following:

1. Starting and completion date
2. Copy of the Sanitary Permit
3. How the site will be stabilized after removal of the existing structure
4. A survey showing the existing structure and the proposed new structure location
5. Date second structure will be removed.

B.) If the above items of Sections 1.12, 1.13 and 1.14 have been met, the building inspector shall issue the permits.

#### **C.) Construction Damage Deposit**

The Construction damage deposit established by Town Board fee schedule resolution and per Section 1.11 shall be held until the second residential building or structure is removed. The residential building or structure shall be removed within 90 days of the date of the

Occupancy Permit being issued for the new structure. If additional time is needed for the removal of the residential building or structure a written request must be submitted to the Town Board for approval with the reason why additional time is needed with a final completion date approved by the Town Board.

**1.15) PENALTIES**

The enforcement of this Ordinance and all other laws relating to building shall be by means of stop work or cease and desist orders, withholding or revocation of building permits, imposition of forfeitures and/or injunctive action. Any person found guilty of a violation of this ordinance shall pay a forfeiture of \$500, plus costs. Each day a violation occurs or continues shall be deemed a separate offense.

**1.16) NONASSUMPTION OF LIABILITY**

This Ordinance shall not be construed as an assumption of any liability on the part of the Town or any official for damages to anyone injured, for any property destroyed by any defect in any building or equipment or in any plumbing or electrical wiring.

**Adopted \_\_\_\_\_, 2010, by reference in Ordinance 2010-1A, pursuant to Section 66.0103, Wisconsin Statutes.**