

**TOWN OF BROTHERTOWN  
CALUMET COUNTY, WISCONSIN**

**ORDINANCE NO. 2004- 2**

**AN ORDINANCE TO ADOPT THE WISCONSIN UNIFORM DWELLING CODE  
FOR THE TOWN OF BROTHERTOWN**

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

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

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

SECTION 3. BUILDING INSPECTOR. The Town Board shall contract for building inspection services as it deems necessary to fulfill the terms of this ordinance. The Building Inspector shall be certified according to law and regulations in the category of Uniform Dwelling

Code Construction Inspector and in the categories of UDC HVAC, UDC Electrical, and UDC Plumbing. The Town Board may contract for one or more assistant building inspectors subject to the certification requirements stated herein. The Building Inspector shall administer and enforce all provisions of this ordinance and the Uniform Dwelling Code according to law. The Building Inspector and any assistant or other authorized agent may, at all reasonable times, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any premises to the Building Inspector or agent while in the performance of official duties. The Building Inspector shall perform all administrative tasks and maintain all records as required pursuant to the Uniform Dwelling Code.

SECTION 4. BUILDING PERMITS.

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

B. Additions and Alterations. No addition, alteration, or repair to an existing one-family or two-family dwelling which increases living area or the service area of the dwelling, including a porch, deck, or similar construction, shall be undertaken unless a building permit for the work shall first be obtained by the owner or the owner's agent from the Town Building

Inspector. The requirements for a permit under this subsection include, among others, structural changes or major changes to mechanical systems.

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

D. Issuance of Permit. If the Building Inspector finds that the proposed building complies with all Town ordinances and the Uniform Dwelling Code, and all fees have been paid by the applicant, the Building Inspector shall approve the application and a building permit shall be issued by the Building Inspector. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector and the Town Clerk.

#### SECTION 5. VIOLATIONS AND PENALTIES.

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

B. Any person who violates any provision of this ordinance or the Uniform Dwelling Code shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$200.00 for each offense, together with the costs of prosecution. Each day of violation constitutes a separate offense.

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

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

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

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

C. Construction is deemed highly unsafe.

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

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

SECTION 8. CONTRACTOR FINANCIAL RESPONSIBILITY.

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

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

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

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

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

SECTION 9. SEVERABILITY. If any section clause, provision, or portion of this ordinance or Chapters Comm 20-25, Wisconsin Administrative Code, is found to be void, invalid, or unconstitutional by a court of competent jurisdiction, the remaining provisions shall not be affected by such finding.

SECTION 10. APPROVAL AND EFFECTIVE DATE. This ordinance shall be submitted to the Department of Commerce according to law. The effective date of this ordinance is JAN. 1-2005.

SECTION 11. ADDITIONAL SUBJECTS OF INSPECTION. In addition to the foregoing, the following shall be subject to the issuance of a building permit and inspection by the Building Inspector consistent with the requirements of the Wisconsin Uniform Dwelling Code:

- A. All remodeling of existing buildings greater than \$1,000.00 in value.
- B. All additions to existing buildings.
- C. All decks and building structures, except agricultural buildings.

Adopted 12-8, 2004.

TOWN OF BROTHERTOWN TOWN BOARD

By: Jeanold Puetz Chairperson  
Jeanold Puetz, Chairperson

ATTEST:

By: Darlene Steffes  
Darlene Steffes, Clerk

Date Posted: 12-8-04