

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Uniform Building Code and Town Building Inspector

Code Section(s) created , amended, or repealed	<u>12.01, 12.02</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>Ordinance Committee</u>
Date(s) Public Hearing(s) held (if required)	<u>January 19, 2009</u>
Date adopted	<u>January 19, 2009</u>
Vote	<u>4-1</u>
Date of posting of adoption of ordinance	<u>January 23, 2009</u>
Date of publication of adoption of ordinance	<u>Not Required</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. sections 12.01 Uniform Building Code and 12.02 Town Building Inspector are hereby amended to read as follows:

12.01 UNIFORM BUILDING CODE

(1) AUTHORITY

Pursuant to the provisions of chs. 59, 60, 61, 62, 66 and 101, Stats., the Town of Cottage Grove hereby adopts a building code for the regulation of all types of buildings including private and public, rural and urban and including buildings owned by the state or any political subdivision thereof, to be erected in the Town.

(2) SCOPE

The Town building code applies to all dwellings, commercial buildings, agricultural buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures, dog kennels, and fences. Fences are regulated under ss. TCG 11.03 and TCG 12.06.

(3) INCORPORATION BY REFERENCE

(a) The provisions of the following Wisconsin Department of Commerce (COMM) administrative codes, and all subsequent amendments thereto are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein with the exception of any penalty provision. Municipal penalties are limited to those specified herein.

COMM 16	Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 28	Smoke Detectors
COMM 60-66	Commercial Building Code
COMM 75-79	Buildings Constructed Prior to 1914
COMM 81-87	Uniform Plumbing Code

(4) FEES

(a) Building permit fees shall be set by and may be amended at any time by resolution of the Town Board. The appropriate fee for each category shall be specified in a building permit fee schedule provided to the applicant, and shall be submitted with the application, to the Town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.

(b) Any fee established by the Town board, which is in effect at the time the application is made, shall remain in effect for the entire period that the permit is valid.

(5) PENALTY FOR VIOLATION

(a) Violations documented by the Town building inspector shall be corrected within 30 days, or as specified in writing by the Town building inspector. Violations of this ordinance, which remain unresolved beyond the date specified by the Town building inspector, shall be punishable as class C forfeitures, under s. TCG 25.04.

(b) In addition to the forfeiture specified in (a), subsequent building permits requested by, or on behalf of, the same applicant, shall be withheld until such time as the Town Board has been satisfied that there are no continuing violations of any Town ordinance by the applicant.

(6) LIABILITY FOR DAMAGES

This Building Code and the regulations within it shall not be construed as an assumption of liability by the Town of Cottage Grove, the Town building inspector, or any deputy building inspector for damages because of injuries sustained or property destroyed by any defect in any installation or in any dwelling, building structure or equipment subject to inspection by the Town. The purpose of the inspections under this chapter is to improve the quality of structures in the Town. The inspections, permits, reports and findings issued after the reviews or inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all reviews or inspections under this title: "The review of applications and/or the findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of review or inspection. The review or inspection does not involve a detailed examination of the property lines or surveys, mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

(7) EFFECTIVE DATE

(a) The original ordinance was adopted on June 2, 1980 and revised on January 19, 2009.

(b) This section shall take effect upon passage and publication.

12.02 TOWN BUILDING INSPECTOR

(1) CREATION AND APPOINTMENT

(a) There is hereby created the office of Town building inspector. The building inspector shall be appointed or contracted by the Town Board until said appointment/contract is rescinded by the Town Board.

(b) The Town building inspector shall be fully insured, and certified for by the state of Wisconsin to perform all residential and commercial building inspections and plan reviews required under this Chapter, including the categories specified under Wis. Admin. Code Chpt. COMM 5.61, 5.62, 5.625, 5.63, 5.635 for commercial buildings, UDC, electrical, plumbing, and residential dwellings.

(2) SUBORDINATES

The Town building inspector may appoint as necessary, deputy building inspectors subject to approval by the Town Board. Any deputy building inspector so appointed shall be insured and certified as required under (1) above inspections for the field(s) for which that inspector has been approved by the Town Board.

(3) DUTIES

The Town building inspector, shall administer and enforce all provisions of this ordinance and all other statutes, codes and laws of the State of Wisconsin relating to building construction

(4) POWERS

(a) The Town building inspector, and any deputy inspector, may enter upon any public or private premises for inspection purposes, at all reasonable hours; and may require the production of the permit for any building, plumbing, electrical, or HVAC work.

(b) No person may interfere with, or refuse to permit access to any such premises, to the building inspector, or any deputy inspector, while in the performance of their duties. If the Town building inspector is denied consensual entry to any premises or building, the Town building inspector may obtain a special inspection warrant under Wis. Stats. § 66.0119, as may be amended.

(c) The Town building Inspector shall have the power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. Any person aggrieved by any order or ruling or interpretation of the Town building inspector may appeal from such order, ruling or interpretation to the Town Board, such appeal to be in writing.

(d) Whenever the Town building inspector finds any building or part thereof with the Town to be so old, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, the building inspector may order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Wis. Stats. § 66.0413(1), as may be subsequently amended.

(5) RECORDS TO BE MAINTAINED

All records pertaining to the Town building inspection program, including but not limited to those identified in (a) to (d), shall be maintained in the town office. All such records shall be made

available for public inspection during normal business hours.

(a) A record of all applications for a building permit, including the date the application was made and the date the permit was issued by the Town building inspector.

(b) A record of all fees collected; showing the total amount received, the name of the person the fee was received from and their relationship to the applicant if not the same person, the date received, who received the fee, and the date the fee was turned over to the Town treasurer.

(c) A copy of the completed standard building permit numbered in the order of issuance, including a record of the number, description and size of all buildings erected indicating the kind of materials used and the aggregate cost of each building.

(d) A record of all inspections made indicating that the site passed or failed the inspection, and any subsequent action to be taken to resolve a non-compliance condition.

(6) EFFECTIVE DATE

(a) The duties and authority of the Town building inspector were initially described in the town building code, adopted on April 17, 1989, and revised on January 19, 2009

(b) This section shall take effect upon Passage and Publication.

Adopted this 19th day of January, 2009, by a vote of 4 for, 1 against, and 0 abstain.

(Signed Copy Available in the Clerk's Office)

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chair

ATTEST:

Kim Banigan, Town Clerk

Approved as to form as of this
_____ day of _____, 2009.

ANDERSON & KENT, S.C.

Constance L. Anderson
Cottage Grove Town Attorney