

# CHAPTER 14

## BUILDING CODE

*History: Repealed and Recreated, Ordinance #2021-05, Adopted 11-1-2021, Effective 11-12-2021*

### Contents

14.01 Permit Required .....	1
14.02 Adoption of State Codes .....	3
14.03 Certified Municipality Status.....	3
14.04 Building – HVAC – Electrical – Plumbing Inspector .....	5
14.05 Regulation of Outdoor Water Stoves.....	6
14.06 Violations and Penalties.....	7
14.07 City Liability.....	7

### 14.01 Permit Required

No Owner or contract may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.

- (1) The construction which shall require a building permit includes, but is not limited to:
  - a. New 1 & 2 Family and Commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
  - b. Additions increase the physical dimensions of a building including decks.
  - c. Alterations to the building structure, cost shall include market labor value, or alterations to the buildings heating, electrical, or plumbing systems.
  - d. Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit.
  - e. Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
  - f. Any HVAC for new construction or remodeling.

- g. Any Plumbing for new construction or remodeling.
  - h. Any new or re-wired electrical service, including services for agricultural buildings.
- (2) Permits and Fees Not Required. Neither the permit nor the fees otherwise required under this section shall be necessary for the following repairs, maintenance, or alterations only:
- a. Painting, installation of floor covering or repair or replacement of existing doors or windows.
  - b. Replacement but not new construction of exterior perimeter fencing.
  - c. Repair or replacement of existing plumbing fixtures and leaking or stoppage repairs thereof.
  - d. Repair or replacement of broken electrical sockets, switches or receptacles or installation of additional switches or receptacles to an existing electrical system, providing the reasonable cost or value thereof, including labor and materials, does not exceed \$500 in aggregate, based upon the Building Inspector's estimation.
  - e. Repair or replacement of any door, or window provided the dimensions are not changed and no structural repairs are required.
- (3) Issuance of Permit. If the Building Inspector finds that the proposed building will comply in every respect with the ordinances of the City, and all laws and lawful orders of the State, he shall officially approve one set of the plans and return them to the owner, and shall issue a building permit which shall be kept at the site of the proposed building.
- (4) Lapse of Permit. All permits issued hereunder shall lapse and be void unless construction and operations under the permit are substantially commenced within six months of the issuance of the permit and are substantially completed within 24 months of the issuance of the permit. When any project for which a permit has been issued has not been completed within the 24 months, an additional permit shall be obtained before any further work is performed.
- (5) Revocation of Permit. If the Building Inspector shall find at any time that the applicable City ordinances, laws and orders, or the plans and specifications, are not being complied with, and that the holder of the permit refused to conform after written direction or instruction has been issued to him, he shall revoke the building, electrical, plumbing or heating, ventilating or air conditioning permit. Notice of revocation shall be sent by regular first-class mail to the owner of the building or other structure as it appears in the application and by posting a notice of revocation at the site of the work. When any such permit is revoked, it shall be unlawful for any person to do any further work under the permit until the permit

is reissued, except such work as the Building Inspector may order to be done as a condition precedent to the reissuance of the permit, or as he may require to preserve life, safety, or property. All police officers shall report at once to the Building Inspector any building, electrical, plumbing, heating, ventilating, or air conditioning work which is being carried on without a permit as required hereunder.

(6) Waiver of Plans. If in the opinion of the Building Inspector, the character of the work is sufficiently described in the application, he may waive the filing of plans for accessory buildings and additions or alterations thereto, or for alterations or repairs or small additions to principal buildings when such plans are required by the State Building Code.

(7) Alteration of Plans. After being approved, the plans and specifications shall not be altered in any way without the written consent of the Building Inspector.

(8) Fees. Fees shall be adopted by Common Council by Resolution on an annual basis and can be found in the fee Schedule.

## 14.02 Adoption of State Codes

(1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the City of Boscobel and shall be enforced by the Building Inspector.

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| a. <a href="#">Ch. SPS 302.31</a>  | Plan Review Fee Schedule            |
| b. <a href="#">Ch. SPS 305</a>     | Credentials                         |
| c. <a href="#">Ch. SPS 316</a>     | Electrical Code                     |
| d. <a href="#">Ch. SPS 320-325</a> | Uniform Dwelling Code               |
| e. <a href="#">Ch. SPS 327</a>     | Campgrounds                         |
| f. <a href="#">Ch. SPS 361-366</a> | Commercial Building Code            |
| g. <a href="#">Ch. SPS 375-379</a> | Buildings Constructed Prior to 1914 |
| h. <a href="#">Ch SPS 381-387</a>  | Uniform Plumbing Code               |

## 14.03 Certified Municipality Status

(1) Certified Municipality. The City of Boscobel has adopted the Certified Municipality Status as described in [SPS 361.60](#) of the Wisconsin Administrative Code.

- a. Responsibilities. The City of Boscobel shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
  - i. Provide inspection of commercial buildings with certified commercial building inspectors.
  - ii. Provide plan examination of commercial buildings with certified commercial building inspectors.
  
- b. Plan Examination
  - i. A new building or structure containing less than 50,000 cubic feet of total volume.
  - ii. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of volume.
  - iii. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
  - iv. An alteration of a space involving less than 100,000 cubic feet of total volume.
  - v. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
  - vi. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
  
- c. Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
  - i. Building Permit Application
  - ii. Application for review – SBD-118
    - 1. Fees per Table SPS 302.31-2 and [SPS 302.31](#)
    - 2. Fees apply to all commercial projects

iii. Four sets of plans.

1. Signed and Sealed per [SPS 361.31](#)
2. One set of specifications
3. Component and system plans
4. Calculations showing code compliance

## 14.04 Building – HVAC – Electrical – Plumbing Inspector

- (1) Creation and Appointment. There is hereby created the Office of Building Inspector. The Building Inspector shall be appointed by the Mayor with approval of the Common Council. The Building Inspector shall be certified as defined in [SPS 305](#), Wisconsin Administrative Code.
- (2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in [SPS 305](#), Wisconsin Administrative Code by the Department.
- (3) Duties.
  - a. The Building Inspector shall administer and enforce all provisions of this ordinance.
  - b. The Building Inspector shall keep plans, minutes, and all records as required by law, including a record of all permits issued and shall make regular reports (annually) of the same to the Common Council and Plan Commission.
  - c. No person shall interfere with the Building Inspector while performing his/her duties.
- (4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the inspector is authorized to apply for a special inspection warrant pursuant to Section [66.0119](#), Wisconsin Statutes.

## 14.05 Regulation of Outdoor Water Stoves

- (1) Definitions.
  1. “Chimney”. A chimney includes a stack and is a vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor water stove.
  2. “Outdoor water stove”. An outdoor water stove is a wood burning heating device, variously denominated as an outdoor water stove, an outdoor wood burning residential hot water furnace, a water stove, a hot water outdoor wood furnace or an outdoor boiler. It is a free-standing unit situated outside of the envelope of the structure to be heated. It typically consists of a firebox and water reservoir, assembled in a horizontal configuration. Hot combustion gases flow from the firebox at one end, through channels or tubes in the water reservoir, to the stack. The gases may pass through the water reservoir once to the stack at the end opposite the firebox (one pass), or an additional set of pipes may bring the gases back to the stack located above, but isolated from the combustion chamber (double pass). The heated water is pumped through radiators in the dwelling or through a heat exchanger in the heating, ventilation and air condition duct in response to the home thermostat. A separate pipe coil in the water reservoir may be used to provide domestic hot water. The furnace draft is controlled by a thermostat monitoring the temperature of the water in the reservoir. These devices are presently exempt from EPA regulations. They do not include any heating device or system, including a fireplace, which may be placed inside a residence or other building pursuant to Department of Commerce Regulations and/or the local building code.
- (2) Standards Adopted. All outdoor water stoves shall meet all applicable standards of the Environmental Protection Agency of the United States of America and the Wisconsin Department of Commerce governing air quality and emissions, including any amendments thereto adopted after the effective date of this ordinance.
- (3) Chimney Specifications. All chimneys used in conjunction with outdoor water stoves shall meet the specifications stated in Section 14.07(9) of this Code. All chimneys shall be constructed to withstand the force of winds up to 100 MPH. Chimneys shall have a minimum height of 20 feet measured from ground level, except, where an outdoor water stove is constructed within 25 feet of an adjacent building, the minimum stack height shall be 20 feet from ground level or three feet above the adjacent buildings’ highest roof elevation, whichever is greater.
- (4) Fencing and Screening. All outdoor water stoves shall be enclosed by a solid fence six feet in height which screens the unit from adjacent property. The fence shall be adequately treated by paint, stain, or other means so as not to constitute an eyesore.

- (5) Setback and Yard Requirements. Outdoor water stoves are deemed accessory structures for purposes of zoning regulations. In R-1A, R-1 and R-2 Zoning Districts outdoor water stoves shall not occupy more than 30% of a required side yard or rear yard, shall not exceed 15 feet in height, except for the chimney, and shall not be nearer than three feet to any lot line. No outdoor water stove shall be constructed or placed in a front yard.
- (6) Nonconforming Units. Any outdoor water stove existing prior to December 21, 2001 that does not conform to the standards of this section shall, on the complaint of a resident of the City, be removed, replaced, or modified to meet the standards of this section within 90 days of notification of noncompliance from the City Building Inspector, the Police Department or other City Officer or Agent.
- (7) Operation Limited. No outdoor water stoves may be used between April 15 and November 15.
- (8) Ban. No outdoor water stoves may be constructed or installed in the City after April 1, 2002.
- (9) Penalty. Any person who constructs or erects any outdoor water stove that does not meet the standards of this section, or who fails to remove, replace or modify an outdoor water stove that does not meet the standards of this section as provided herein, shall forfeit \$25.00 per day for each day the noncomplying unit remains on the premises. The City may also enforce the provisions of this Ordinance by injunction or other equitable remedy.

## 14.06 Violations and Penalties

- (1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- (2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- (3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- (4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

## 14.07 City Liability

- (1) This Chapter shall not impose any liability on the part of the City for damages, destruction to property, or defects in building equipment.