

## Chapter 212

### BUILDING CONSTRUCTION

**[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as Ch. 14 of the 1985 Code. Amendments where noted where applicable.]**

#### GENERAL REFERENCES

Moving of buildings — See Ch. 216.  
Numbering of buildings — See Ch. 220.  
Driveways and culverts — See Ch. 260.  
Electrical standards — See Ch. 272.  
Fire prevention — See Ch. 286.  
Housing standards — See Ch. 310.  
Plumbing standards — See Ch. 413.  
Wastewater Utility — See Ch. 502.  
Water — See Ch. 505.  
Floodplain and shoreland-wetland zoning — See Ch. 530.  
Subdivision of land — See Ch. 545.  
Zoning — See Ch. 550.

#### § 212-1. Title.

This chapter shall be known as the "Building Code of the Village of Plover" and will be referred to in this chapter as "this code."

#### § 212-2. Purpose.

This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.

#### § 212-3. Scope.

New buildings hereafter erected in, or any building hereafter moved within or into, the Village shall conform to all the requirements of this code except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a new building for the purposes of this code whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this code was enacted. The provisions of this code supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this chapter was adopted and

in no way supersede or nullify such laws and said Zoning Code.<sup>1</sup>

**§ 212-4. Building Inspector.** [Amended by Ord. No. 10-12]

- A. Appointment. See § 110-18 of this Code.
- B. General powers and duties. The Building Inspector shall enforce the provisions of this chapter and of all other ordinances and the laws and orders of the State of Wisconsin which relate to building construction, plumbing and electrical installations and for these purposes may at all reasonable times enter buildings and premises. He may pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. No person shall interfere with the Inspector while in the performance of the duties prescribed in this chapter. He shall direct the activities of the Plumbing Inspector and the Electrical Inspector.
- C. Qualifications.
  - (1) The Building Inspector shall have the necessary qualifications required by the State of Wisconsin to determine compliance with applicable state and local building codes relating to the construction of buildings.
  - (2) The Building Inspector shall be certified by the Wisconsin Department of Safety and Professional Services to administer and enforce all the provisions of the Wisconsin Uniform Dwelling Code.
- D. Records. The Building Inspector shall keep a record of all applications for building permits in a book and regularly number each permit in the order of issuance. He shall keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used, the cost of each building and the aggregate cost of all buildings of the various classes. He shall keep a record of all inspections made and of all removal and condemnation of buildings. He shall make a monthly report to the Village Board on the above matters.
- E. Appeals. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may within 20 days thereafter appeal from such order or ruling to the Board of Zoning Appeals, such an appeal to be in writing.

**§ 212-5. Building permits and inspection.** [Amended by Ord. No. 10-12]

- A. Permit required. No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- B. Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land

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1. Editor's Note: See Ch. 550, Zoning.

upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require. In the event that the Building Inspector determines that the estimated cost of the project will be less than \$1,000, a building permit shall not be required; however, any accessory structure shall be subject to a land use permit as required under Chapter 550, Zoning, of this Code.<sup>2</sup>

- C. Utilities required. No occupancy permit shall be issued for the construction of any residential building until sewer is installed and grading and graveling of the street necessary to service the property for which the permit is required are completed. See Chapter 550, Zoning, of this Code.
- D. Plans. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Services, if necessary. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of § SPS 320.09, Wisconsin Uniform Dwelling Code.
- E. Approval of plans. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders or which involves the safety of the building or the occupants, except with the submittal and approval of revised plans. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building. The finished grade adjacent to all new construction shall be at least one foot above the finished or proposed grade of the center line of the adjacent street.
- F. Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving.
- G. Fees for building permits and inspection. At the time the application for a building permit or other designated permit is filed, the applicant shall pay the fees as provided in the Village Fee Schedule.<sup>3</sup> [Amended by Ord. No. 4-98; Ord. No. 28-98]
- H. Minor repairs and alterations. The Building Inspector may authorize minor repairs or

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 14.05(3), Contractor insurance required, which immediately followed this subsection and was added by Ord. No. 27-88, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: See Ch. A600, Fees.

alterations which do not change the occupancy area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

- I. Inspection of work. The permittee or an authorized representative shall, in writing or orally, request inspections by the Building Inspector at appropriate times required for the enforcement of this code. The Building Inspector shall perform the requested inspection within 48 hours after notification, except the final inspection. Construction may not proceed beyond the point of inspection until the inspection has been completed, except if inspection has not taken place within 48 hours of notification, excluding Saturdays, Sundays and holidays, unless otherwise agreed upon between the permittee and the Building Inspector.
- J. Permit lapses. A building permit shall lapse and be void unless building operations are commenced within six months, or no significant progress has been made with two constructions seasons, from the date of issuance thereof. In any event, all permits shall lapse two years from the date of issuance.
- K. Revocation. If the Building, Plumbing or Electrical Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with, and that the holder of the permit refused to conform after written warning or instruction had been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued, except such work as the Building, Electrical or Plumbing Inspector may order to be done as a condition precedent to the reissuance of the permit or as he may require for the preservation of human life and safety.
- L. Report of violations. The police or other Village officials shall report at once to the Building Inspector any construction which is being carried on without a permit as required by this chapter.

**§ 212-6. Construction standards.** [Amended by Ord. No. 10-12]

- A. International Code Council Suite of Codes adopted. Chapters Comm 60 to 66, Wis. Adm. Code SPS 360 to SPS 366, Wisconsin Commercial Building Codes, are hereby adopted by reference and made a part of this chapter with respect to those classes of buildings to which said Chs. SPS 360 to SPS 366 specifically apply. Any future amendments, revisions and modifications of said Chs. SPS 360 to SPS 366 incorporated herein are intended to be made a part of this code. A copy of said Chs. SPS 360 to SPS 366 and amendments thereto shall be kept on file in the office of the Building Inspector.
  - (1) Terms. The building terms used in this chapter shall have the meaning given them by the State Building Code.
  - (2) Dwelling. The term "dwelling" includes every building occupied exclusively as a residence by not more than two families.
- B. Wisconsin Uniform Dwelling Code adopted.
  - (1) Chapters SPS 320 to SPS 325, Wisconsin Uniform Dwelling Code, are hereby

adopted by reference and made a part of this chapter and shall apply to all new one- and two-family dwellings and all additions to existing and new one- and two-family dwellings.

- (2) Chapters SPS 320 to SPS 325, Wisconsin Uniform Dwelling Code, are hereby adopted by reference and made a part of this chapter and shall pertain to all remodeling or alterations in existing one- and two-family dwellings.
- C. Building height above grade requirement. The top of the basement wall shall be a minimum of 20 inches above the finished center-line grade of the road adjacent to the property. This is a minimum requirement. If the contractor or owner believes additional height is required to protect the structure from water damage, the building grade may be raised more than 20 inches above the finished center-line grade of the road.<sup>4</sup>

**§ 212-7. Garages.** [Amended by Ord. No. 10-12]

- A. Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Private garages shall be located not less than five feet from the adjoining lot line and not less than 10 feet from any other building on the same premises when not a part of the building. If a greater distance is required by some other section of this code or by some other ordinance or regulation, the most rigid requirement shall be applicable.
- B. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be not less than forty-five-minute fire-resistive construction as specified in Ch. SPS 321.08, Wisconsin Uniform Dwelling Code.

**§ 212-8. Private swimming pools.** [Amended by Ord. No. 21-86; Ord No. 23-00]

No person shall construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the Village except in accordance with the following regulations:

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHILD OF TENDER YEARS — Any child who has not obtained the age of 10 years.

SWIMMING POOL — Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming, except that temporary pools with an area of 150 square feet or less shall not come within the provision of this section.

- B. Permit.

- (1) Required. No person shall construct, install, enlarge or alter any private swimming pool unless a permit therefor has first been obtained from the Building Inspector.

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<sup>4</sup> Editor's Note: Original § 14.06(4), Multi-family dwelling exit requirements, added by Ord. No. 10-90, and (5), Multi-family dwelling fire extinguishers, added by Ord. No. 6-91, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Application. Application shall be on forms provided by the Building Inspector and shall be accompanied by plans drawn to scale showing the following:
  - (a) Location of pool on lot, distance from lot lines and distance from structure.
  - (b) Location of septic tank, filter bed and sewer lines.
  - (c) Pool dimensions and volume of water in gallons.
  - (d) Existing overhead and underground wiring relative to proposed pool.

C. Construction requirements.

- (1) No pool shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by Chapter 550, Zoning, of this Code for permitted accessory building uses, and the waterline of any pool shall not be less than five feet from any lot line or building.
- (2) No connection shall be made to the sanitary sewer or septic system.
- (3) All swimming pools within the meaning of this section must have, in connection therewith, some filtration system to assure circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (4) No aboveground pool shall be less than five feet from any septic system.
- (5) Every person, every member of a partnership and every corporation that owns, directly or indirectly, or operates or uses or has custody or control of or has the right to use any swimming pool located in the Village of Plover shall erect and maintain a fence or suitable barrier around such swimming pool of such size and construction as to safeguard a child of tender years to prevent such child from falling into such swimming pool or shall install and maintain a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and, when in place, shall be capable of sustaining a person weighing 250 pounds. Such cover or other protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for bathing or swimming purposes. Pools which have been constructed or erected prior to the date of this section shall be enclosed by such fence, cover, or other protective device on or before June 1, 2001.

D. Electrical requirements.

- (1) To comply with electrical codes. All electrical installations shall require separate permits and shall be governed by the Village or State Electrical Code.
- (2) Pool lights. If overhead flood or other artificial lights are used to illuminate the pool at night, such lights shall be shielded to direct light only on the pool.

E. Use of pool. No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

**§ 212-9. Radiant heating units.**

- A. Definition. A radiant heating unit is a room heater, stove or freestanding fireplace used to heat a room or rooms using the combustion of such solid fuels as wood or coal as a source of heat.
- B. Permit required. It shall be unlawful for any person to install or cause to be installed any radiant heating unit in the Village without first having obtained a permit from the Building Inspector.
- C. Application for permit. Application for a permit shall be made on a form provided by the Building Inspector. The following data shall be submitted with the application:
  - (1) The manufacturer's installation, maintenance and operations manual.
  - (2) Type and size of chimney.
  - (3) The proposed chimney flue or new chimney flue size.
  - (4) The number and size of existing vent connections to the chimney flue.
  - (5) The clearance distance from any wall or ceiling and, if less than 36 inches from any wall or ceiling, the description of fire-resistant material to cover such wall or ceiling.
  - (6) The type of floor on which the unit will be mounted; if the floor is combustible, the type and size of fire-resistant covering to be used.
  - (7) Any other information required by the Building Inspector relating to the safety and operation of the unit.
- D. Issuance of permit. Upon examination of the application and accompanying data by the Building Inspector, the Inspector shall determine whether or not the installation of the radiant heating unit complies with the requirements of this section and, if so, issue the permit; if not, the Building Inspector shall state, in writing, his reasons for not issuing the permit.
- E. Inspection. No person may operate or permit the operation of a radiant heating unit until the Building Inspector has inspected and approved the installation thereof.

**§ 212-10. New methods and materials.**

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be used until approved in writing by the Wisconsin Department of Safety and Professional Services. Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.<sup>5</sup>

**§ 212-11. Unsafe buildings.**

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5. Editor's Note: Original § 14.105, which immediately followed this section, was repealed by Ord. No. 29-91.

Whenever the Building Inspector finds any building or part thereof within the Village to be, in his judgment, so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in § 66.0413, Wis. Stats. Where the public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Village in an action against the owner or tenant.

**§ 212-12. Moving buildings.**

See Chapter 216, Buildings, Moving of, of this Code.

**§ 212-13. Wells.**<sup>6</sup>

The State Well Drilling Code is hereby adopted by reference and the Building Inspector shall enforce the provisions thereof.

**§ 212-14. Application of state codes.**<sup>7</sup>

Any violation of any state codes adopted by reference by the Village, including the Uniform Dwelling Code, the Commercial Building Code, the Electrical Code, the Plumbing Code, the Flammable Liquids Code and the Well Drilling Code, or amendments thereto, shall constitute a violation of this code, whether the unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this code or not, and shall render the violator liable to the penalties contained herein.

**§ 212-15. Disclaimer on inspections.**

The purpose of the inspections under this code is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the 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."

**§ 212-16. Violations and penalties.**

Any building or structure hereafter erected, enlarged, altered, repaired, or moved or any use hereafter established in violation of the provisions of this chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the

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

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

Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure of the establishment or such use, or to cause such building, structure or use to be removed, and such violation may also be subject to a penalty as provided in § 1-4 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.