

Ordinance No. 9-7-16A

TOWN OF SARATOGA

BUILDING CODE

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1. General

Pursuant to Section 101.65, Wisconsin Statutes, the Town Board of the Town of Saratoga, Wood County, Wisconsin, do hereby ordain a Building Code.

1.1 Purposes

- A. To exercise jurisdiction over the construction and inspection of new one and two family dwelling, and to establish regulations for construction of structures other than new dwellings and for alterations to existing buildings.
- B. To provide plan review and on-site inspections performed by an inspector and/or agency certified by ; DSPS
- C. To establish and collect fees to defray costs; and
- D. To provide remedies and penalties for violations.

1.2 Wisconsin Uniform Dwelling Code Adopted

- A. The Town Board of the Town of Saratoga hereby does ordain the Saratoga Building Code is hereby created.
- B. 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.
- C. 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- two-family dwellings.

1.3 Building Code Enforcement

- A. The administrative authority for enforcement of this code shall be a state certified inspector and/or independent inspection agency under contract with the Town of Saratoga, thereafter referred to as the Building Inspector.

1.4 Applicability of Uniform Dwelling Code

- A. SPS 320.05 notwithstanding, the Wisconsin Uniform Dwelling Code shall be applicable in the Town of Saratoga to the Following:
 - 1. One and two family dwellings as specified in the Uniform Dwelling Code;
 - 2. Additions or alteration subsequent to the effective date of this code, to dwellings the initial construction of which was commence either prior to or after the effective date of this code;
 - 3. Buildings moved into the town, the construction of which occurred before or after the effective date of this code;
 - 4. Farm building, including those other than farm residences.
- B. SPS 320.02(2) notwithstanding, this code does apply to additions or alterations insofar as occupancy requirements occurring after the first occupancy of a dwelling.
- C. SPS 320.07(25)notwithstanding, for the purposes of this code the term DWELLING shall be defined as any building which contains one or two dwelling units, regardless of when construction was commenced.
- D. SPS 320.07(27)notwithstanding, for the purposes of this code the term DWELLING UNIT shall mean any dwelling, regardless of when construction was commenced.
- E. SPS 320.07(35) notwithstanding, the term GARAGE shall mean an enclosed or unenclosed portion of a dwelling or any other enclosure used for storing motorized vehicles, whether or not it is a portion of the dwelling. All garages and accessory buildings shall be regulated by the Uniform Dwelling Code and

other applicable provisions of this Ordinance.

F. In any instance cited in the Saratoga Building Code Section 1.4A(2) through (4) inclusive, in which application of the Wisconsin Uniform Dwelling Code is deemed by the Building Inspector or the Saratoga Board of Appeals to be impractical or to cause undue hardship, the Building inspector or Saratoga Board of Appeals may grant variances from regulations contained therein.

G. Existing Buildings - The Wisconsin Uniform Dwelling code and this Ordinance shall also apply to buildings and conditions described in this section.

1. Change in Use. Any existing building that was not previously occupied, but will be used as a one or two family dwelling.
2. Alterations not permitted. When any existing structure for any reason whatsoever does not conform to the regulations of this Ordinance, has deteriorated from any cause to an extent greater than fifty (50) percent of the equalized value of the structure, no alterations of moving of such 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 demolished and debris removed from the premises.
3. Alteration and repairs required. When any of the structural members of any building or structure have deteriorated from any cause 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; failing in which the building or structure shall be considered a menace to public or safety and 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.
4. Use of unsanitary building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use, until the regulations or this Ordinance have been complied with.
5. Razing of buildings. The Building Inspector is hereby authorized to act for the municipality under provisions of Section 66.05 of the Wisconsin Statutes, relating to the Razing of buildings and all acts amendatory thereof and supplementary thereof. The Town Treasurer is authorized to place the assessment and collect the special tax as therein provided.

1.5 Building Where Uniform Dwelling Code Does Not Apply

A. Buildings and structures such as, but not limited to, dwellings of more than two families or public or commercial buildings which serve or house employees or the public, and to which the International Code Council Suite of Codes adopted. Chapters Comm. 60-66, Wis. Adm. Code SPS 360 to SPS 366, Wisconsin Commercial Building Codes, are hereby applicable 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, shall be regulated by that code and by permit and other requirements of this code.

B. Any other buildings or structures, such as, but not limited to, in-ground swimming pools, moving and wrecking of buildings, which are not regulated by the Wisconsin Uniform Dwelling Code, shall be regulated by other provisions

contained in the Ordinance.

1.6 Expiration of Building Permits

A. In accordance with the Town of Saratoga's long standing practice and per UDC SPS 320.09(9)(a)5, building permits are valid for a period of two years after the date of issuance.

2. Building Inspector

2.1 Building Inspector

A. Duties. The Building Inspector is vested with authority and responsibility to enforce all laws controlling safe building construction.

B. Rights. The Building Inspector or his authorized agent shall have the power and authority at all reasonable hours for any proper purpose, to enter any public or private premises and make inspection thereof and to require the production of the permit for any building, plumbing, electrical or heating work being done or the required permit therefore. No person shall interfere with or refuse to permit access to any such premises to the above described representatives of the Town while in the performance of their duties.

C. Records. The Building Inspector shall keep a record of all applications for building permit; a record of the number, description and size of all buildings; a record of all inspections made; and a record of all fees collected. The Building Inspector shall make periodic written reports to the Town Board relative to these matters.

2.2 Permits

A. Permits Required. No building or structure or any part thereof shall hereafter be built, enlarged, altered or demolished within the Town or moved into, without or within the Town, except as hereinafter provided, unless a permit thereof shall first be obtained by the owner or his agent from the Building Inspector.

B. Application for Permits. Application for Town building permits shall be made in accordance with procedures in SPS 320.09 for obtaining Uniform Building Permits. At the option of the building inspector, plans, date, specification and survey need not be submitted with an application for permit to execute minor alterations to any structure or equipment, provided the proposed construction is sufficiently described in the application for permit.

C. Building Inspector to Issue Permit.

1. If the Building inspector finds that the proposed building will comply in every respect with state and local laws and orders, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves the above mentioned laws and orders or which involves the safety of the building, except with the written consent of the Building inspector filed with the application.

2. In case adequate plans are presented, the Building Inspector at his discretion may issue a permit for a part and specifications of the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. Issuance of a permit shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereafter when in violation of any state or town laws or orders.

3. For the construction of buildings requiring approval of the state, no

permit shall be issued until such approved plans are received by the Building inspector.

D. Posting of Permits. The town building permit shall be posted in a conspicuous place at the dwelling site throughout the period of construction to which it applies.

E. Suspension or Revocation or Town Building Permit. Provisions of SPS 320.11 shall also apply to town building permits. A 'stop work' order or revocation order may be posted on the building site:

1. Where the permit holder refuses to correct a violation;
2. Where the inspector is denied access to the premises;
3. Whenever the continuance of any construction becomes dangerous to life or property;
4. Whenever any false statements or misrepresentative has been made in the application for permit, plans, or specifications upon which the permit was issued.
5. After a revocation or 'stop work' order has been posted and notice of such action served upon the permit applicant, it shall be unlawful for any person to proceed with any construction whatsoever on the premises. Such order shall not be removed except by written notice of the Building Inspector.

2.3 Building Permit Fees

Building permit fees as herein established by the Saratoga Town Board and agreed upon with the contracted Inspection Agency and/or Inspector, with the Town to retain 20 percent plus \$50.00 for new address number thereof. Applicable fees are according to the fee schedule adopted by the Town Board and in use at the time at the time of any application for permit.

2.4 Inspections

A. Inspections pursuant to this code shall be made according to procedures of SPS 320.10 for inspection of new dwellings.

1. Certified Report. The building inspector may require a certified report of all required inspections as regulated by this Ordinance from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Ordinance, approved plans, specifications, terms of the permit, and date filed with the application for permit; and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.

2.5 Unusual Construction

A. When applications for unusual technical design or magnitude or construction are filed, the Building Inspector may refer such plans and specifications to the Department of Industry, Labor, and Human Relations for analysis and recommendations as to the safety of design in compliance with this code.

2.6 Notification of Unauthorized Use

A. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Ordinance, the Building inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use occupancy to be continued, and such person shall vacate such building or portion thereof within then (10) days after receipt of the notice or make the building or portion thereof

comply with the requirements of this Ordinance.

B. Any building, structure, or premises, or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used until such hazardous conditions are removed.

C. It shall be unlawful to change the use or any building, structure, premises, or part thereof without first obtaining the approval of the Building Inspector for such changes in occupancy or use, which is defined as the purpose for which such structure or equipment is used or intended to be used.

2.7 Appeals Board

A. Appointment. There is hereby created a Board of Appeals, consisting of the members of the Town Board.

B. Jurisdiction. The Board of Appeals shall review any order requiring decision or determination made by the building Inspector pursuant to provisions of this code, except where superceded by provisions of SPS 20.19, SPS 20.20 and SPS 20.21.

C. Powers. The Board of Appeals may reverse or affirm wholly or in part, or modify any order, requirement, decision or determination as in the opinion of the Board of Appeals ought to be made in the matter and to that end shall have all the powers of the Building Inspector. Such Board shall interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose thereof.

D. Appeal. Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the board of Appeals within twenty (20) days after written notice of such ruling shall have been delivered to him. Such appeal is to be in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order in ruling is erroneous or illegal. Such notice of appeal shall be filed with the Building Inspector or Town clerk and the appeal shall be heard at the next meeting of the Board of Appeals. The ruling or order of the Building inspector shall be enforced until changed or said Board of Appeals.

1. An appeal may be taken by any person whose application for a permit has been refused by the Building inspector, or who may consider the provisions of this Ordinance do not cover the question raised or that the enforcement of any particular provision will cause a manifest injury to be done. In every such appeal the appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered to be made by said Board of Appeals.

3. **Camping Units** *(Section added with Ordinance 3-17-21)

A. Authority. These regulations are adopted under the authority granted by s 101.63, Wisconsin Statutes.

B. Purpose. The Purposed of this ordinance is to maintain required local uniformity with the administrative and technical requirements of new camping units as defined in Wis. Admin. Code Chapter SPS 327.

C. Scope. The provisions of this code apply to all comping units for which construction commenced on or after February 6, 2017.

D. Building Code Ordinance 9-7-16A. The Town of Saratoga Building code shall incorporate by reference of the Camping Unit Code, SPS 327 of the Wisconsin Administrative Code, and all amendments thereto, and shall apply to all camping

units within the scope of this ordinance.

E. Building Inspector. The Building Inspector enforcing this code shall possess the certifications of UDC Construction Inspection, UDC Electrical, UDC HVAC, and UDC Plumbing.

F. Building Permit Required. No person shall build any Camping Unit without first obtaining a permit as required by SPS 327.09(1).

4. Structures

4.1 Building and Structure Setbacks

A. Building and structure setbacks are measured from the respective lot line to the nearest vertical wall of the building:

1. Nine (9) feet from side lot lines;
2. Twenty-five (25) feet from rear lot lines;
3. Thirty (30) feet from front and/or side lot lines adjacent to town roads or county truck highways or fifty (50) feet from lot lines adjacent to state truck highways.

4.2 Accessory Building

A. The same setback requirements as dwellings shall apply to accessory Buildings, except that the setback to the rear lot line is reduced to nine (9) feet.

4.3 Definitions

A. Lot line. A lot line is the line dividing on parcel of land from an adjoining lot. Where a lot abuts a roadway or other public property, the lot line shall be that line separating the parcel of land from any land dedicated as road right-of-way.

B. Accessory Building. An accessory building shall be any structure which is not the principal use of the parcel of land. (e.g., generally, a house would be considered a principal building; a detached garage or storage shed would be an accessory building.)

C. Setback Line. The setback line is the line beyond which no portion of a building may extend, as specified in this section.

D. Subdivision lots. A buildable parcel of land represented and identified in a Subdivision or certified survey map prepared in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and Wood County Land Subdivision Ordinance #701.

4.4 Alterations

A. No change or enlargement shall be made to an existing part of a building not projecting beyond the setback line, except in conformity with the provisions of this section for new construction.

4.5 Existing Encroachments

A. Parts of buildings which already project beyond the setback line may be maintained as constructed until their removal is directed by the Town.

4.6 Lot Size

A. Except as provided in B in this section, minimum lot size for any dwelling shall be one (1) acre, which may include $\frac{1}{2}$ the road right-of way on the front lot line.

1. Sub-division lots are required to meet the ordinance restriction.
2. There shall be only one dwelling per parcel.

B. Planned Residential Unit Developments shall meet the requirements of Wood County Land Subdivision Ordinance #701. Condominiums shall meet the requirements of Chapter 703 of the Wisconsin State Statutes. The density of the Planned Residential Unit Developments and Condominiums may not exceed a density of one dwelling per acre.

4.7 Height Restriction

- A. For all homes the height restriction is thirty-five (35) foot.
- B. For all accessory structures the height restriction is twenty (20) foot.

5. Drainage

5.1 No construction or grading of lots shall be permitted which would in any way hinder the natural flow of surface water.

6. Razing of Buildings

6.1 Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, or other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade, within 30 days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers, and/or lights.

7. Moving of Buildings

7.1 No person shall move any buildings or structures upon any public road of the Town without first obtaining a permit there of from the Building Inspector and upon the payment of the required fee. Every such permit shall designate the route to be taken, conditions to be complied with, and shall limit the time during which said moving operations shall be continued.

- A. Every person receiving a permit to move a building shall be responsible for any damage caused to public roads resulting from the moving of the building.
- B. The Building Inspector may require a bond be provided the Town to indemnify the Town for any costs incurred by it in connection with any claims from damages to any persons or property in connection with the moving of the building. The Building Inspector may also require public liability insurance covering injury or damage which may result from such moving.
- C. Prior to issuing a moving permit, the Building Inspector shall inspect the building to be moved. Other conditions to be met prior to issuance of such permits are:
 - 1. The building must be in a sound condition and of such construction that it will meet requirements of this Building code in all respects.
 - 2. Should any repairs, improvements or remodeling be contemplated or required with respect to said building, the same shall be made insofar as possible before the building is moved. A complete plan of all further repairs, improvements and remodeling shall be submitted to the building inspector and he shall made a finding of fact to the effect that all such alterations conform with this code.
 - 3. The Town Board, after an examination of the moving permit application, photographs, plans for alterations and any other data submitted by the applicant or Building Inspector, and plans for the site of the new location, may rule whether or not the building moving permit shall be issued or denied.
 - a. The Town Board shall make such ruling based on whatever it deems to be pertinent information, which may include whether the

exterior architectural appeal and functional plan of the building will not be so at variance with the exterior architectural appeal and functional plan of buildings already constructed or in the course of construction in the immediate neighborhood, or the character of such neighborhood, as to cause a substantial depreciation in property values of said neighborhood.

b. The Town Board may require the issuance of the moving permit to be contingent upon items such as, but not limited to, alteration of the building's exterior or other alterations. Where such conditions are stipulated, the applicant or his agent shall be liable to fulfilling the conditions. The Town Board may establish time limits within which such conditions are met, and may require posting of a bond to ensure their completion.

8. Detached Garages and Storage Buildings

8.1 Such building shall conform to the same provisions as specified by the Wisconsin Uniform Dwelling code for attached garages, except as herein provided or in cases where the Building Inspector or the board of Appeals rules that application of that code would be impracticable.

A. Definition. A detached garage shall mean a private garage entirely separate from the dwelling.

B. Location. Garages of wood frame construction shall be located not less than ten (10) feet from any dwelling, except that such distance may be reduced to not less than five (5) feet when the walls of such garage adjacent to a dwelling are protected on the inside by not less than one-hour fire resistive construction. Garages of masonry wall construction shall not be located less than five (5) feet from any dwelling.

C. Area. All detached garages and other accessory buildings shall, at the discretion of Building Inspector, be limited in area to two thousand (2,000) square feet.

D. Floor Surfaces. The floor in all detached garages shall be of non-flammable construction. No openings or pits in the floor shall be permitted, except for drainage.

E. Mobile homes, Semi-trailers, buses, campers, or portable storage containers shall not be used for storage buildings.

9. Heating and Air conditioning Equipment

9.1 Installation of such equipment shall in all cases, except where herein exempted, comply with provisions of the Wisconsin Uniform Dwelling Code.

A. Permit Required. A permit must be obtained from the Building Inspector before proceeding with the construction, installation, erection, alteration, or remodeling of any boiler, furnace, incinerator, chimney, fireplace, wood-burner, air conditioning unit or other apparatus for heating or air conditioning.

1. Permits shall not be required for installation of air conditioning that does not use water for cooling or where the source of operating power is obtained by plugging in an electrical cord connection to an outlet, or where the unit is portable or one and one-half (1 ½) tons capacity or under.

B. Outdoor wood-burner setbacks. All outdoor wood-burners must be at least thirty (30) from all lot lines.

C. Unsafe Heating Appliances. The Building inspector shall have the authority to seal any heating appliance regulated herein which has been installed in violation of the regulations of this Ordinance, or which is found upon inspection to be in an unsafe condition and to be a life, health, or fire hazard.

10. Plumbing

10.1 All plumbing installations and alterations shall comply with SPS 325 and Wisconsin State Plumbing Code and other applicable state and local laws and orders.

11. Electrical

11.1 All Electrical installations or alterations shall conform to applicable provisions of SPS 324, Wisconsin Electrical Code Volumes One and Two, and the National Electrical Code and all amendments thereof.

12. Miscellaneous

12.1 Repairs. Every building and all parts thereof shall be maintained to prevent leakage. All rainwater shall be so drained and conveyed there from to prevent dampness in the walls and ceilings.

12.2 Cleanliness. Every building shall be kept reasonably clean and shall also be kept reasonably free from any accumulation of dirt, filth, rubbish, garbage, or other matter in or on the building, or in the yards, courts, passages, areas, or alleys connected with or belonging to the building.

13. Violations & Penalties

13.1 The Town Board shall provide for the enforcement of this Ordinance and all other laws and ordinances relating to building by means of the withholding of building permits, impositions of forfeitures, and in juncture actions, according to Wisconsin Statutes Chapter 62.23 (g) and as herein provided.

A. It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this code, or to cause, permit or suffer any such violations to be committed. Any person violating any of the provisions of this ordinance shall, upon conviction, be subject to a forfeiture of not less than one dollar (\$1) or more than two-hundred dollars (\$200) together with the cost of prosecution and in default of payment thereof, shall be imprisoned for a period of not less than one (1) day nor more than six (6) months or until such forfeiture and costs are paid. It shall be the responsibility of the offender to abate the violations as expeditiously as possible, and each day that such violations are permitted to continue shall constitute a separate offense.

B. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the building Inspector constitutes a defense.

14. Severability

- a. If any section, clause, provision, or portion of this Ordinance or Wisconsin Department of Safety and Professional Services 320-325 unconstitutional or invalid by a court of competent jurisdiction, the

remaining provisions shall not be affected thereby.

15. Revocation of Previous Ordinances

15.1 Town of Saratoga Ordinance 6-15-16 shall be revoked upon the passage of this Ordinance.

15. Effective Date

16.1 The Ordinance shall take upon passage by the Town Board of the Town of Saratoga and upon publication provided by law.

Adopted this 7th day of September, 2016.

*Amendment-3/17/2021