

# Title 15 ► Chapter 1

---

## Building Code

15-1-1	Building Permits and Inspection
15-1-2	Unsafe Buildings
15-1-3	Disclaimer on Inspections
15-1-4	Regulation and Permit for Razing Buildings
15-1-5	Basements; Excavations
15-1-6	Regulations for Moving Buildings
15-1-7	Severability

### Sec. 15-1-1 Building Permits and Inspection.

#### (a) Permit Required.

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town 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, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Town Permit issuer or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
  - a. New buildings.
  - b. Additions that 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 building's heating, electrical or plumbing systems. Permits are required for re-siding when using a different material from original.
  - d. Permits are not required for replacement of major building equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, plumbing, venting, and electrical or gas supply systems when altered.
  - e. Any electrical wiring for new construction or remodeling.
  - f. Any HV AC for new construction or remodeling.
  - g. Any plumbing for new construction or remodeling.
  - h. Exempt are normal repairs performed in Subsection (a)(1)e-g.

- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired unless the cost is under \$3000:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** Repairs for purposes of maintenance: Permits are not required for re-roofing, re-siding with like kind quality, replacement windows, finishing of interior surfaces, installation of cabinetry, and minor repairs as deemed by the Building Inspector. However, unless structural changes are made, no more than two (2) layers of roofing shall be installed on a roof. Windows do not need a permit unless changes to the structure are needed.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or 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.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever 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 safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Town Permit issuer or his/her designee 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 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

(c) **Site Plan Approval.**

- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) **Administration.** The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Plan Commission to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector to issue or refuse a building permit.
- (3) Requirements. In acting on any site plan, the Town Permit issuer shall consider the following:
  - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - d. The landscaping and appearance of the completed site. The Town Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) **Effect on Municipal Services.** Before granting any site approval, the Town Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities.
- (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Town Clerk within ten (10) days of the denial.

- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board.
- (e) **Utilities Required.**
  - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
  - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One (1) 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 (1) and two (2) family dwellings shall comply with the provisions of Chapter COMM 20.09(4), Wis. Adm. Code.
- (g) **Waiver of Plans; Minor Repairs.**
  - (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).

(h) **Approval of Plans.**

- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he/she 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 written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspections.**

- (1) The following inspections shall be requested forty-eight (48) hours (business work) in advance by the applicant/contractor or property owner as applicable:
  - a. Footing/foundation.
  - b. Rough carpentry, HVAC, electric and plumbing.
  - c. Drantile/basement floor.
  - d. Underfloor plumbing/electric service.
  - e. Insulation.
  - f. Final carpentry, HVAC, electric and plumbing.
  - g. Erosion control.
- (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.

(k) **Revocation of Permits.**

- (1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
  - a. Whenever the Building 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 construction has been issued to him/her.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
  - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.

- e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (l) **Report of Violations.** Town officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
  - (m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
  - (n) **Uniform Dwelling Code.**
    - (1) **Purpose.** On December 3, 2003, the Governor signed into law the Home Safety Act. The Home Safety Act became effective as of December 18, 2003. Among other provisions, the Home Safety Act requires new construction to be inspected for compliance with Wisconsin's Uniform Dwelling Code ("UDC"). The Home Safety Act provides local municipalities with three enforcement options: (a) adopt an ordinance for local enforcement of the UDC. (b) delegate enforcement to the County, or (c) take no action which then causes the Safety and Buildings Division to enforce the UDC for new homes in the municipality. The purpose of this Ordinance is to begin local enforcement of the UDC either through the Town, with another municipality or through a private party contract. The Town Board has determined that the adoption of this Ordinance is necessary to promote the health, safety and well-being of persons occupying or using one and two family dwellings.
    - (2) **Authority.** The regulations contained in this Ordinance are adopted pursuant to Subchapter II of Chapter 101 of the Wisconsin Statutes, as amended by the Home Safety Act.

3. **Adoption of UDC.** The Wisconsin UDC contained in Subchapter II or Chapter 101 of the Wisconsin Statutes, together with Comm. 20-25 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of the UDC and Comm. 20-25 of the Wisconsin Administrative Code.
4. **Building Inspection.** Until further notice, the Town Board shall contract with a certified inspector or independent agency. The certified inspector or independent inspection agency shall have all powers of a building inspector, as authorized by law under Wisconsin (UDC).
5. **Building Permit Required.** No person shall alter, in excess of \$50,000.00 value in any twelve month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. This provides for inspection of construction of new 1-2 family homes and alterations or additions to homes build before June 1, 1980.
6. **Restoration or repairs.** Residing, re-rooting, finishing of interior surfaces and installation of cabinetry, along with replacement of existing windows and doors are considered minor repairs. No building inspection permit is required for this work to be performed because it is deemed a minor repair.
7. **Building Permit Fees.** The building permit fee shall be determined by Town Board resolution, amended from time to time. The building permit fee shall be sufficient to cover the entire cost of the inspections required by this Ordinance.
8. **Penalties.** The enforcement of this Ordinance shall be by means of withholding of building permits, the imposition of forfeitures or injunctive relief forfeitures shall be not less than \$50 nor more than \$500 for each day of non-compliance. In addition, the Town shall be entitled to recover its cost of collection and reasonable attorneys' fee.
9. **Effective Date.** This Ordinance shall be effective upon passage and publication as provided by law.

## **Sec. 15-1-2      Unsafe Buildings.**

Whenever the Building Inspector or Town Board find any building or part thereof within the Town of Friendship to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall 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 Sec. 66.05, Wis. Stats.

### **Sec. 15-1-3 Disclaimer on Inspections.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Friendship. 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, the following disclaimer shall be applicable to all inspections under this Chapter: "These 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."

### **Sec. 15-1-4 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.



## Sec. 15-1-5 Regulations for Moving Buildings.

1. **Permit Required.** It shall be unlawful for any person to move or cause to be moved any building in, into, through, or from the Town of Friendship (hereinafter "Town") without first obtaining a permit from the Permit Issuer/Building Inspector. For purposes of this Ordinance, "Building" shall mean any structure to be placed on a permanent foundation used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up each part shall be deemed a separate building.
2. **Application for Permit.** Any person desiring a permit shall file with the Permit Issuer/Building Inspector an application in writing for that purpose. A separate application shall be filed, and a fee paid, for each building. Such application shall specify the following:
  - (a) The character and size of the building to be moved;
  - (b) The reason for such moving;
  - (c) The use, purpose and occupancy for which said building or structure is to be used;
  - (d) The location from which and to which said building is to be moved;
  - (e) A plot plan showing the proposed location of the building upon which the property to which said building is to be moved;
  - (f) The roads within the Town on, over or through which it is desired to move said building;
  - (g) Whether the building conforms to the zoning regulations in the location to which it is to be moved.
3. **Investigation.** Upon the filing of the application, the Permit Issuer/Building Inspector shall investigate the building and report the results of such investigation, together with recommended action, to the Town Board.
4. **Denial of Permit.** No permit shall be issued to move any building which, in the opinion of the Town Board:
  - (a) Is so constructed or in such condition as to be dangerous;
  - (b) Is infested with pests or is unsanitary;
  - (c) If it is a dwelling or habitation, is unfit for human habitation;
  - (d) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the District within a radius of 1,000 feet from the proposed site;
  - (e) If the proposed use is prohibited by the zoning regulations of the Town or, if relevant, the applicable subdivision;
  - (f) If the structure is of a type prohibited at the proposed location by any ordinance of the Town;
  - (g) If the moving of the building causes unreasonable damage to the trees, plants and shrubs on and along the public roads in the Town; or

15-1-5

- (h) If the equalized assessed value of the building is not within 20% of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within 20%. Such determination shall be made by the Town Assessor.

Furthermore, the Town Board must find that the exterior architectural appeal and functional plans of the building to be moved will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable District established by the zoning ordinances of the Town as to cause a substantial depreciation of the property values of said neighborhood within the applicable District.

5. **Terms and Conditions of Permit.** When a building moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public roads, or other public property in the Town on, over or through which the building shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the District to which it is to be moved. Such terms and conditions shall be written upon the permit or attached thereto. The Permit Issuer/Building Inspector shall issue the moving permit only after obtaining Town Board approval.
6. **Estimate of Cost and Deposit.** If applicable, the applicant shall deposit with the Town Clerk a cash deposit sufficient to cover the cost to the Town as estimated by the roadway superintendent, of trimming, moving, removing, or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure, supporting any wires, cables, or other equipment belonging to the Town; the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the Town; or, the cost of moving, removing, repairing, or replacing culverts.
7. **Liability Insurance.** Every person moving a building in the Town shall file with the Town Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do business in Wisconsin, which policy shall conform in all respects to the requirements of this section. In lieu of filing the insurance policy herein, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of said policy. The Town shall be named as an additional insured on the certificate of insurance.

The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the moving of such building, covering injury to one person in the sum of not less than \$500,000 and for one accident, aggregate not less than \$1 million, together with property damage insurance in the sum not less than \$500,000, or such other coverage as is deemed necessary by the Town Board.

8. **Performance Bond.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Town Clerk a performance bond, conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the moving permit shall be fully performed and completed within a reasonable time, all as required in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus 10% thereof, and shall name the Town as obligee, and shall be in a form approved by the Town attorney; provided, however, that the bond shall be not less than \$5,000 per building to be moved. In lieu of furnishing a bond, the owner or lessee may post a cash deposit, letter of credit or comparable security. An extension of time for completion may be granted in writing by the Permit Issuer/Building Inspector, when, in his or her discretion, circumstances shall so justify, but no such extension shall release any surety or other security required by this section.
  
9. **Clearance of Site and Safety Measures Required.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall comply with the following clearance and safety measures:
  - (a) Before any work is started on a building, the Permittee or his or her authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed;
  - (b) If relevant, the Permittee shall obtain written approval from the appropriate Sanitary District for the connection to the sanitary sewer system;
  - (c) Immediately after the moving of any building, the Permittee shall securely barricade all basement excavations and other holes or openings;
  - (d) Within 10 days after the moving of any building the Permittee shall complete the following work:
    - (1) securely close and seal any sanitary piping located on the property;
    - (2) Fill with dirt or sand any septic tanks or cesspools located on the property;
    - (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Permit Issuer/Building Inspector;
    - (4) Remove any buried underground tanks formerly used for storage of flammable liquids; and
    - (5) Remove all refuse, debris and waste materials from the property.
  
10. **Permit Fee and Inspection Fee.** A permit fee of \$50.00 shall accompany the application. Each building requires a separate application and fee. In addition, the applicant shall also pay an inspection fee in an amount equal to the then-current fee charged for new home inspections. The inspection fee shall be paid in the same manner as building permit fees are paid for new homes. An applicant shall pay an additional \$50.00 permit fee before an extension of the permit is granted.

15-1-5

11. **Issuance of Permits.** The Town Clerk shall issue a house moving permit when all the necessary requirements and conditions of this ordinance have been complied with. The building shall not be occupied until an occupancy permit has been obtained. An occupancy permit shall be issued only after the Permittee has completed the internal and external work and alterations required by this Ordinance or the special conditions of the permit.
12. **Control and Supervision.** Every building which is moved on, over or through any Town road shall be moved in a careful manner and the work shall be prosecuted with diligence to the satisfaction and approval of the Town Board.
13. **Notice Required.** Notice must be given by the person to whom the permit is issued, or his or her representative, to both the Roadway Superintendent and the Permit Issuer/ Building Inspector not less than 36 hours nor more than 48 hours before the actual work of moving a building is to commence.
14. **Default in Performance of Conditions.** Whenever a default has occurred in the performance of any term or condition of any permit, or the terms of this ordinance, written notice thereof shall be given to the Permittee by the Town, with said notice to state the work to be done, the estimated cost, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the Permittee must, within the time therein specified, either cause the work to be done or pay over to the Town Clerk the estimated cost of doing the work, as set forth in the notice, plus 10% of said estimated cost. Upon receipt of notice from the Town Clerk that the Permittee has deposited such money, the Town shall cause the work to be performed and completed. If the Permittee defaults, the Town shall have the option, in lieu of completing the work required, to demolish the building and to clear, clean and restore the sight or sights. The Town also reserves the right to draw upon the security provided by the Permittee under section 8, above.
15. **Approval of Route.** The roads over which any building is to be moved must be approved by the Town Board.
16. **Obstructing Roads.** No person owning or having charge of the moving of any building into, on, over, through, or from any Town road shall permit said building to remain in anyone location on any such road for a period longer than 24 hours except by written permission obtained from the Town Board. The Permittee is also required to comply with the requirements of the subdivision into which the building is being moved, if applicable.
17. **Lights and Barricades.** The person having charge of the moving of any building shall maintain proper lights and barricades whenever such structure is on any Town road during the hours of darkness.

18. **Wires and Structural Supports.** If the moving of any building for which a permit shall have been granted makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables, or other equipment of any public utility or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted shall obtain permission in writing from the owner or owners of such pole, structure, or the wires, cables or other equipment thereon, and shall notify such owner or owners at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions. The person to whom said permit is granted shall pay to said public utility any and all costs or expenses for the removal, rearrangement or replacement of any pole or structure support of wires, cables, or equipment thereon or of any damage to such property.
19. **Repairs to Public Property.** If the moving of any building for which a permit shall have been granted causes damage to Town roads or other Town property, in addition to any other remedies the Town may have, the Town may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or it may require the person to whom such permit has been granted, upon written notification, to make all necessary repairs to such roads or property; provided, however, that should said person to whom said permit has been granted, and to whom said notice has been given, fail to make said necessary repairs within the time designated in the written notice, the Town may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.
20. **Refunding of Deposits.** When the moving of any building for which a permit has been granted is completed, and all damages to Town roads or other public property have been repaired to the satisfaction of the Town and all other costs of repairing damage or performing other work has been paid, the remaining deposit shall be refunded to the Permittee. If the above costs exceed the total amount of money deposited, the Permittee shall be held liable for the amount of damage or other costs that are in excess of the amount deposited, and it shall be the duty of the Town Clerk, upon receipt of the request from the Permit Issuer/Building Inspector, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.
21. **Expiration of Permit.** Permits issued pursuant to this Ordinance shall expire 6 months from the date of issuance. A new application for permit is required unless the Permittee requests an extension from the Permit Issuer prior to the expiration of the original permit. The Town reserves the right to grant or deny extensions, as circumstances warrant. All rights are reserved.
22. **Penalties.** Any person who violates this Ordinance shall be liable for a civil forfeiture in an amount not less than \$100 nor more than \$1,000, with each day constituting a separate offense. In addition, the violator shall be liable to the Town for its costs of prosecution, including reasonable attorneys' fees.
23. **Effective Date.** This Ordinance shall become effective upon adoption by the Town Board and publication in the Town's official newspaper.

## Sec. 15-1-6 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Friendship. 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, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of non-compliance 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 non structural 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."

## Sec. 15-1-7 Garages.

(a) **Definitions.** As used in this Chapter:

- (1) **Attached Private Garage.** A private garage attached directly to the principal building, or attached by means of an enclosed or open breezeway, porch, terrace, or a private garage so constructed as to form an integral part of the principal building.
- (2) **Detached Private Garage.** A private garage entirely separated from the principal building.
- (3) **One-Hour Fire Resistive Construction.** Construction which shall include the following assemblies and materials.
  - a. Two (2) inch brick or stone veneer.
  - b. Metal lath or perforated rock lath and three-fourths (3/4) inch of plaster.
  - c. Five-eighths (5/8) inch of vermiculite plaster board.
  - d. Five-eighths (5/8) inch fire code gypsum plaster board.

(b) **Locations.**

- (1) Unless otherwise regulated under applicable zoning, detached garages of wood frame construction shall be located not less than ten (10) feet from any residence building, except that such distance may be reduced to not less than five (5) feet when the interior walls of such garage adjacent to a residence building are protected with not less than one (1) hour fire resistive construction.
- (2) Garages of masonry wall construction shall not be located less than five (5) feet from any residence building.

(c) **Footings and Foundations.**

- (1) **Detached Garage.** Detached private garages, six hundred (600) square feet or more in floor area, shall have footings and foundation walls to the established frost line. Detached private garages of less than six hundred (600) square feet may be constructed on a reinforced concrete slab not less than four (4) inches in thickness.
- (2) **Attached Garages.** Attached private garages shall be provided with the same type footings and foundations as required herein for the principal building.
- (3) **Floor Surface.** The floor in all private garages shall be of concrete construction. No openings or pits in the floor shall be permitted, except for drainage.

(d) **Construction.**

- (1) **All Private Garages.** Private garages shall be constructed as follows:
  - a. Load bearing foundation walls and piers, masonry walls, and partitions shall be constructed as regulated herein except as stated above.
  - b. Detached private garages of wood frame construction shall be constructed with the following minimum requirements:
    1. Studs may have a maximum spacing of twenty-four (24) inches on centers.
    2. Diagonal corner bracing may be applied on the inside surface of studs.
    3. Corner posts may consist of two (2) two by four (2 x 4) inch studs or a single four by four (4 x 4) inch stud.
    4. Horizontal bracing and collar beams may be two by six (2 x 6) inch with a maximum spacing of four (4) foot on centers.
  - c. Attached private garages shall be of the same type of construction as that of the principal building and as further regulated in this Code.
- (2) **Attached Private Garages.** Private garages may be attached to or made a part of residence buildings when in compliance with the following regulations:
  - a. All walls in common with a principal building on attached private garage shall be of not less than one (1) hour fire resistive construction on garage interior.
  - b. An attached private garage may have a door connecting directly into the principal building, provided that the floor of that garage is at least eight (8) inches below the floor of such principal building. Such door shall be a self-closing metal clad door or solid wood door not less than one and three-quarter (1-3/4) inches in thickness.

## **Sec. 15-1-8 Reserve for Future Use.**

## **Sec. 15-1-9 Penalties and Violations.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use here after 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 Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. 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 or other Town officials 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.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.

**15-1-9**

- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Friendship charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted In the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.