

**Town of Deerfield
Dane County, WI**

Building Ordinance

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1.01 PURPOSE

The purpose of this Ordinance is to regulate commercial, residential, and accessory buildings within the Town of Deerfield, to assure that construction protects the general health and safety of Town residents, preserves agricultural land and productivity, and is designed to enforce the goals and policies set forth in the Town of Deerfield Land Use Plan.

1.02 AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to sec. 101.65, 101.651, 101.76, and 101.761, and by its adoption of village powers under sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.

1.03 SCOPE

The scope of this ordinance includes the construction and inspection of new and existing commercial buildings as well as the construction of one- and two-family dwellings built since June 1, 1980.

Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the Town Board. Petitions for variance shall be decided per s. SPS 320.19 so that equivalency is maintained to the intent of the rule being petitioned.

Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of accessory buildings serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official.

1.04 ADOPTION BY REFERENCE.

The Wis. Adm. Code Chapters 316 (Electrical), 320 -325 (Uniform Dwelling Code) SPS 361-65 (Wisconsin Commercial Building Codes) SPS 328 (Smoke Detectors), and SPS 375-379 (Existing Buildings Code), and subsequent amendments, additions and recodifications thereto are hereby adopted by reference. Chapters 320-325 and 328 shall apply to all new one- and two-family residential buildings, as well as additions and alterations to all existing, to accessory buildings and to new portions of moved one- and two-family residential buildings.

1.05 DEFINITIONS

- (1) Accessory Building. Any structure permanently affixed to the ground which cannot be occupied as a residence, or an addition or additional story to an existing accessory building.
- (2) Agricultural Building A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public
- (3) Agricultural Land. Land within the Town of Deerfield that has produced or is capable of producing a viable crop or raising livestock.
- (4) Farm premises Areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants.
- (5) Farmer Any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator."
- (6) Dwelling. Any structure permanently affixed to the ground which is intended to be occupied as a residence, or an addition or additional story to an existing dwelling.
- (7) Town Board. The Town of Deerfield Board of Supervisors.

(8) Town Clerk. Clerk of the Town of Deerfield

(9) Town Building Inspector. The individual hired by the Town Board to act in this capacity.

1.06 BUILDING INSPECTOR.

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance as well as other duties as defined by the board. The Inspector shall be certified by the Division of Professional Credential Processing, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of, and Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of, UDC HVAC, UDC Electrical, UDC Plumbing, Commercial Building, Commercial Plumbing Inspector and Commercial Electrical Inspector.

1.07 PERMIT / APPLICATION REQUIREMENTS AND PROCEDURES

- (1) Building. No person or entity shall construct any building or structure, add to, enlarge, move, structurally alter, or convert without first submitting an application with the appropriate fee and obtaining a Building Permit.
- (2) Interior alterations. No person or entity shall convert unfinished space to habitable space, reconfigure habitable rooms or interior partition location in a dwelling or commercial building in any twelve month period without first submitting an application with the appropriate fee and obtaining a Building Permit.
- (3) Mechanicals. No person or entity shall alter or extend mechanical system in excess of \$500 within a 12 month period without first submitting an application with the appropriate fee and obtaining a Permit.
- (4) Included and exempted items
 - (a) Such minor items requiring permits but not limited to:
 - i. Decks
 - ii. Porches
 - iii. Gazebo's
 - iv. Wood burning or gas fireplaces or stoves
 - v. Electric service alterations, additions, or subpanels
 - vi. Addition of electrical circuits or more than 5 electrical openings
 - vii. Addition of plumbing fixtures
 - viii. Furnace or boiler replacement
 - ix. Installation of fuel fired water heaters
 - x. Extensions of the HVAC System
 - xi. Heating additional areas previously unheated
 - xii. In ground or permanent above ground pools
 - (b) Such items to be excluded from requiring permits:
 - i. Re-siding
 - ii. Re-roofing
 - iii. Window replacement (no structural changes)
 - iv. Finishing of interior surfaces

- v. Non structural repairs
 - vi. Installation of cabinetry
 - vii. Replacement of plumbing fixtures
 - viii. Patios of a stone or similar material
 - ix. Sheds or play structures under 150 sqft
- (5) Application Forms. The Town Board shall approve a form for applications for building permits. These are available from the Town Clerk or the Town Building Inspector
- (6) Supporting Documents. If the Building Permit Application is approved, the following documents, if required, must be submitted to the Town Clerk, or Building Inspector before a Building Permit will be issued. These documents are described in the Town's Application Guide, a copy of which is available from the Town Clerk or Town Building Inspector.
- (a) Land Division Approval (if this property was divided from a larger one).
 - (b) Site Plan Approval (see exemptions in **sec. 1.09** of this Ordinance).
 - (c) Driveway permit (if driveway is needed).
 - (d) County Zoning Permit (if required).
 - (e) County Sanitary Permit (when required by the county)
 - (f) Wisconsin Administrative Building Permit Application for (new buildings)
 - (g) Erosion Control Form (for land disturbing activities)
- (7) Permit Period. Building permits other than new One and Two Family dwellings under the State Uniform Dwelling Code, shall be effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
- (8) Renewal. The permit may be renewed for 1 additional period of 12 months. If the building has not been constructed by the end of this period, a new application must be submitted and approved.
- (9) Revocation of Permit. All Building Permits are issued conditionally. The Building Permit is not transferable from one person to another or from one place to another. After notice and a hearing, the Town Board may revoke a Building Permit previously issued in the event the applicant fails to maintain compliance with the conditions listed in **sec. 1.08** of this Ordinance. Upon the determination of the town board, a letter shall be sent to the owner and contractor of record stating that the permit/s are revoked. The letter shall including any current code violations as well as known code violations if construction is or has continued. The owner will be subject to any fines for working without permits. All violations shall be corrected prior to the issuance or reissuance of any permits. A fine set by the township board as well as any inspection fees incurred may be added to any such permit prior to issuance.
- (10) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. The amount charged for each required inspection by the Building Inspector will also be determined by a resolution of the Town Board and shall include the applicable fee per ch. SPS 320 to be forwarded to the Wisconsin Department of Safety & Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

Penalty for failure to obtain a permit before starting work shall be double the permit fees and this shall be in addition to any other penalties provided elsewhere in this code.

1.08 CONDITIONS

The Town Clerk or Town Building Inspector shall issue or re-issue a Building Permit in the Town of Deerfield only if all of the following conditions are satisfied as determined in the discretion of the Town Board:

- (1) The construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Town of Deerfield Land Use Plan.
- (2) The Town Board shall approve a building site that has the least substantial adverse impact on agricultural land.
- (3) The applicant complies with all applicable county, state, and Town building codes and ordinances. Any permit violations not corrected after 30 days of the initial notification of any violations may be subject to fines and revocation of all permits.
- (4) The applicant agrees to install, provide, and maintain adequate, temporary sanitary facilities at the site during construction, which are sufficient to prevent a public health hazard.
- (5) The applicant or applicant's contractor(s) will prevent any public nuisance associated with noise, erosion and traffic flow.

1.09 Appeals

Appeals of this ordinance shall be made to the Town Board. Appeals of any State administrative cote shall be made to the State of Wisconsin Department of Safety and Professional Services.

1.10 INSPECTIONS

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection as indicated below or as indicated within the above referenced codes.

- (1) Footing Prior to the placement of concrete unless authorized by the Building Inspector.
- (2) Foundation Prior to concrete if required reinforcing is installed or prior to backfill.
- (3) Under floor Prior to covering any under floor mechanicals as well as prior to covering any under floor vapor barriers.
- (4) Rough Prior to covering any framing or mechanicals.
- (5) Insulation Prior to drywall but after placement of insulations and vapor barriers.
- (6) Final Prior to occupancy of any new, added, or altered areas.
- (7) Erosion Control Erosion control measures shall be in place prior to excavation and inspections may be done at any point until the site has been deemed to be stabilized.

1.11 PENALTIES

Any person or entity that violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

Penalty for failure to obtain a permit before starting work shall be double the permit fees.

1.12 RECORD KEEPING

The Building Inspector shall keep a log of all permit issued and shall forward those records to the board. The Building Inspector(s) shall also keep a log of all inspections completed.

1.13 DISCLAIMER

The Town of Deerfield does not, by issuing a building permit, warranty or make assurance of any kind whatsoever, specifically as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

This ordinance shall take effect and be in force from and after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board
on this 10th day of December, 2018.

Approved By:

Mike Schlobohm

Mike Schlobohm, Chairperson

Attested By:

Robin Untz

Robin Untz, Town Clerk