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Chapter 84

Building Regulations

[HISTORY: Adopted by the Village Board of the Village of Wrightstown 10-5-1976 by Ord. No. 1-76 as Ch. 14 of the 1976 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Erosion control — See Ch. 97.

Historical preservation — See Ch. 111.

Swimming pools — See Ch. 174.

Floodplain zoning — See Ch. 204.

Subdivision of land — See Ch. 205.

Zoning — See Ch. 206.

§ 84-1 Plumbing regulations.

- A. State code adopted. The provisions and regulations of the Wisconsin State Plumbing Code, ~~Chapters H-61, H-62 and H-63~~ SPS 381 –SPS 387 of the Wisconsin Administrative Code, are made a part of this section by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the village. License required by SPS305.90-SPS305.99
- B. Plumbing defined. "Plumbing," for the purpose of this section, means and includes:
- (1) Such definition of plumbing as is stated in W.S.A. s. 145.01(10)(a), (c), (d) and (e).
 - (2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three feet outside of the foundation walls of any building to the sewer lateral at the curb or other disposal terminal, including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.
- C. Plumbing Inspector.
- (1) Appointment. The Plumbing Inspector shall be appointed by, and be under the direct supervision of, the Village Board.
 - (2) Duties and powers.
 - (a) The Plumbing Inspector shall perform such duties as provided under the Wisconsin State Plumbing Code, Chapters ~~H-61, H-62 and H-63~~ SPS 381-SPS 387 of the Wisconsin Administrative Code, and enforce all the provisions of this section. The Plumbing Inspector shall make monthly and annual reports to the Village Board and prepare suitable forms for applications, permits and other reports.

~~[Amended 11-30-1999 by Ord. No. 113099B]~~ ~~[Amended 7-20-2020 by Ord. No. 7202020]~~

- (b) The Plumbing Inspector may enter all buildings in the village in the performance of his or her duties between 8:00 a.m. and 5:00 p.m. daily, and any person who shall willfully or knowingly resist or obstruct him or her in the performance of his or her duties shall be deemed in violation of this section.
- (c) The Plumbing Inspector may refuse to approve any application for a plumbing permit to any person who has not complied with a lawful order of the Plumbing Inspector. The issuing and approving of a plumbing permit may be withheld until such time as a lawful order has been complied with. However, any person refused such a permit may appeal within 10 days to the State Plumbing Inspector, whose decision in the controversy shall govern.
- (d) The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection (i.e., soil vent, underground drain and final inspection). All plumbing work shall be left exposed until such time as the Plumbing Inspector has completed his or her examination and inspection. When the Plumbing Inspector determines that a test is necessary, he or she may require a water or air test on any part or the entire installation.

D. Permits.

- (1) Application. No plumbing shall be installed in the village without first filing an application and receiving a permit therefor. New construction require owner can do license master plumber and remodels can be done by the property owner. Each application must receive the approval of the Plumbing Inspector before the permit can be issued. Licensed master plumbers only may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single-family residence, provided that the building is owned and occupied by such owner as his or her home.
- (2) No person shall excavate in any street, alley or other public way to repair, alter or install plumbing unless he or she has obtained a permit therefor. ~~No charge shall~~ Applicable charges will be made for such permit.

E. Permit fees. Permit fees shall be as set forth in Chapter 102, Fees and Penalties, and shall be paid at the time the permit is issued.

§ 84-2 **Electrical regulations.**

- A. Section 101.865 of the Wisconsin statutes and SPS 316 in its entirety is hereby adopted.
- B. No electrical shall be installed, repaired or altered in the village without first filing an application and receiving a permit therefor. New construction requires licensed master electrician and remodels can be done by the property owner Each application must receive the approval of the Building Inspector before the permit can be issued. Licensed master electricians only may receive such permits, except that a permit may be issued to a property owner to install electrical in a single-family residence, provided that the building is owned and occupied by such owner as his or her home.
- C. A person shall be deemed licensed upon providing proof that such person has been certified by the State of Wisconsin SPS305.40-SPS 305.47. Municipal license are no longer valid. or has been licensed by another Wisconsin municipality. ~~[Added 12-7-1988 by Ord. No. 12-07A-88, Amended 7/20/2020 by~~

Commented [1]: Original Sec. 14.01(6), Water service, and 14.01(7), Street openings, which immediately followed this subsection, were repealed 11-30-1999 by Ord. No. 113099B.

Ord. No. 7/20/2020]

§ 84-3 **Gas appliances and accessories.**

A. Sale of appliances.

- (1) All gas appliances and accessories hereafter installed, sold or offered for sale shall conform to reasonable standards of safety.
- (2) The presence on a gas appliance or accessory of a safety seal or label of a nationally recognized testing agency or a certificate or letter of approval from such agency or the inclusion of an appliance or accessory in an approved listing by such agency shall be prima facie evidence that such appliance or accessory conforms to reasonable standards of safety. Such nationally recognized testing agency shall be one qualified and equipped to perform and which does perform periodic inspections of current models of gas appliances and accessories.

B. Installation of appliances.

- (1) All gas appliances, accessories and piping systems shall be installed to conform to reasonable standards of safety.
- (2) Installation of appliances, equipment, accessories and piping that complies with the standards recommended by the American National Standards Institute in its manual entitled "National Fuel Gas Code, No. Z223.1-1974," or subsequent revision thereof, shall be considered prima facie as conforming to reasonable standards of safety, the provisions of which are incorporated herein by reference as though set forth in full. The Village Clerk-Treasurer shall keep available a copy of such manual, or its revision, in his or her office for study and inspection by any interested person.
- (3) No person except an authorized agent or employee of the gas supplier shall turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered. This shall not prohibit an installer from turning on the supply of gas temporarily for the purpose of testing the installation made by him or her or from turning on the gas that he or she had temporarily turned off for the purpose of connecting an appliance or making repairs.
- (4) No person shall install any gas appliance for the purpose of space heating without first determining from the gas supplier that adequate facilities are present to supply gas to such appliance in quantities that will assure reasonably safe and uninterrupted operation.
- (5) The provisions and regulations of Chapter IND 9 of the Wisconsin Administrative Code, Liquefied Petroleum Gases, and any amendment thereto, are made a part of this section by reference, and all such provisions and rules shall be complied with. The Village Clerk-Treasurer shall keep available a copy of such rules, and any amendment thereto, in his or her office for study and inspection by any interested person.

C. Enforcement.

- (1) No person shall sell or offer for sale or install any gas appliance or accessories or gas piping system if the same, when installed for use, would be in violation of any of the provisions of this section or would

be unsafe or dangerous.

- (2) The village may disconnect or order disconnection of any gas appliance, accessory or gas piping which does not conform to the requirements of this section or which may be found defective and in such condition as to endanger life or property. Where such disconnection has been made, a notice shall be attached to such appliance, accessory or gas piping which shall state that it has been disconnected and the reasons therefor, and such notice shall not be removed until such appliance, accessory or gas piping shall have been made to conform to the regulations of this section and its reconnection has been authorized by the village.

§ 84-4 **One- and two-family dwellings.**

A. Purpose. The purpose and intent of this provision is to:

- (1) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings.
 - (2) Provide plan review and on-site inspections of one- and two-family dwellings by inspectors certified by the Department of Safety and Public Service (DSPS). [Amended 7-202-2020 by Ord. No. 07202020] ~~Commerce. [Amended 11-30-1999 by Ord. No. 113099B]~~
 - (3) Establish and collect fees to defray administrative and enforcement costs.
 - (4) Establish remedies and penalties for violations.
 - (5) Establish use of the Wisconsin uniform building permit as prescribed by the Department of Safety and Public Service (DSPS). [Amended 7-202-2020 by Ord. No. 07202020] ~~Commerce. [Amended 11-30-1999 by Ord. No. 113099B]~~
- B. State Uniform Dwelling Code adopted. The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters ~~SPS 320 – SPS 325~~ ~~IND 20 through IND 25~~ of the Wisconsin Administrative Code, effective ~~March 1 2019~~ ~~June 1, 1980~~, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of one- and two-family dwellings in the village. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's office.
- C. Minimum space, use and location requirements. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements: **[Added 8-16-1994 by Ord. No. 081694D]**
- (1) Dwelling unit to be occupied by one family. No dwelling unit shall be occupied by more than one family plus two occupants who are not members of the family.
 - (2) Minimum ceiling height. At least 1/2 of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered a part of the floor area in computing the total floor area of the

room for the purpose of determining the maximum permissible occupancy thereof.

- (3) Minimum floor area for dwelling unit. Every dwelling unit consisting of only one habitable room shall contain at least 120 square feet of habitable room floor area.
- (4) Minimum floor area for occupancy by more than one occupant. No dwelling unit containing less than 170 square feet of habitable room floor area shall be occupied by more than one occupant, provided that a dwelling unit consisting of only one habitable room has a closet with a minimum ceiling height of six feet contained within the dwelling unit and connected thereto with a doorway or other similar opening. The actual floor area of the closet, up to and including a maximum of 20 square feet, shall be included in computing the habitable room floor area of the dwelling unit.
- (5) Maximum occupancy for one-room dwelling unit. No dwelling unit consisting of only one habitable room shall be occupied by more than two occupants.
- (6) Maximum occupancy for dwelling units of two or more rooms. No dwelling unit consisting of two or more rooms shall be occupied by more occupants than the total number which is calculated on the following basis:

Type of Room	Occupancy Subtotal
Kitchen	0
Each habitable room containing less than 70 square feet of floor area	0
Each habitable room containing at least 70 but less than 100 square feet of floor area	1
Each habitable room containing 100 or more square feet of floor area	2

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

ADDITION

New construction performed on a dwelling which increases the outside dimensions of the dwelling, to include patio slabs, pools, storage tanks, pool decks, lean-to roofs and porches.

ALTERATION

A substantial change or modification, other than an addition or minor repair, to a dwelling or to systems involved within a dwelling, to include extended roofs, siding, fireplaces and basement walls.

DEPARTMENT

The Department of ~~Safety and Public Service (DSPS), Commerce,~~

~~[Amended 7-202-2020 by Ord. No. 07202020] [Amended 11-30-1999 by Ord. No. 113099B]~~

DWELLING

- (1) Any building, the initial construction of which is commenced on or after the effective date of this provision, which contains one or two dwelling units; or
- (2) An existing structure, or that part of an existing structure, which is used or intended to be used as a one-

or two-family dwelling.

MINOR REPAIR

Repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING

A building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

PERSON

An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE

The Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- (1) Chapter SPS 320, Administration and Enforcement.
- (2) Chapter SPS 321, Construction Standards.
- (3) Chapter SPS 322, Energy Conservation Standards.
- (4) Chapter SPS 323, Heating, Ventilating and Air-Conditioning Standards.
- (5) Chapter SPS 324, Electrical Standards.
- (6) Chapter SPS 325, Plumbing and Potable Water Standards. ~~(1) Chapter IND 20, Administration and Enforcement.~~
- ~~(2) Chapter IND 21, Construction Standards.~~
- ~~(3) Chapter IND 22, Energy Conservation Standards.~~
- ~~(4) Chapter IND 23, Heating, Ventilating and Air-Conditioning Standards.~~
- ~~(5) Chapter IND 24, Electrical Standards.~~
- ~~(6) Chapter IND 25, Plumbing and Potable Water Standards.~~

E. Method of enforcement. For the purpose of administering and enforcing the provisions of this chapter and the Uniform Dwelling Code, the village shall establish the office of Building Inspector, which shall be filled by that method prescribed under § 84-7.

§ 84-5 Building, heating, ventilating and air-conditioning regulations.

[Added 8-16-1994 by Ord. No. 081694D Amended 7-202-2020 by Ord. No. 07202020]

- A. Wisconsin Administrative Code governing building, heating, ventilating and air conditioning adopted. Except as otherwise specifically provided in this Code, the regulatory provisions contained in Chapters ILHR 50 ~~and SPS 361-364 through ILHR 64, Chapter ILHR 70 and Chapters IND 160 through IND 164~~ of the Wisconsin Administrative Code, describing and defining regulations with respect to the State of Wisconsin Building and Heating, Ventilating and Air Conditioning Code, exclusive of any regulations for which the statutory penalty is a term of imprisonment, are hereby adopted and by reference and list made a part of this section. Any future amendments, revisions or modifications to the foregoing regulatory provisions are incorporated herein by reference and are intended to be made part of this section in order to secure, to the extent legally practicable, uniform statewide regulation of building, heating, ventilating and air conditioning codes in the State of Wisconsin.
- B. List of Wisconsin Administrative Codes regulating building, heating, ventilating and air conditioning adopted. In addition to the provisions of the Wisconsin State Administrative Code adopted by Subsection A, including any duplication thereof, the following Administrative Code chapters are adopted by reference:

ILHR 50	}	Administration and Enforcement
SPS 320-325		Definitions and Standards
ILHR 52	}	General Requirements
ILHR 53		Structural Requirements
ILHR 54	}	Factories, Office and Mercantile Buildings
ILHR 55		Theaters and Assembly Halls
ILHR 56	}	Schools and Other Places of Instruction
SPS 361-SPS 366		Residential Occupancies
ILHR 58	}	Health Care, Detention and Correction Facilities
ILHR 59		Hazardous Occupancies
ILHR 60	}	Child Care Facilities
ILHR 61		Community Based Residential Facilities
ILHR 62	}	Specialty Occupancies
ILHR 63		Energy Conservation
SPS 367 – SPS 371	}	Heating, Ventilating and Air Conditioning
ILHR 70		Historical Building Code
SPS 375- SPS 379	}	Existing Buildings, Definitions and Standards
IND 161		Factories, Office and Mercantile Buildings
SPS 361 – SPS 365	}	Theaters and Assembly Halls
IND 163		Schools and Other Places of Instruction

IND 164

~~Apartment Houses, Hotels and Places of Detention~~
~~Apartment Houses, Hotels and Places of Detention~~

§ 84-6 (Reserved)

§ 84-7 Building Inspector.

- A. Appointment. The Building Inspector shall be recommended by the ~~Personnel Committee~~~~Personnel Committee/ Administrator~~ and subject to confirmation by the Village Board. The Building Inspector shall be certified for inspection purposes by the Department of Safety and Public Service (DSPS) ~~Commerce~~ in each of the categories specified under ~~Section IND 26.06~~SPS 305.40 – SPS 305.47 of the Wisconsin Administrative Code ~~and by the Department of Health and Family Services in the category of plumbing.~~ **[Amended ~~11-30-1997~~-20/2020 by Ord. No. ~~113099B~~07202020]**
- B. Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Board. Any subordinate hired to inspect buildings shall be certified under Chapter IND 26 of the Wisconsin Administrative Code by the Department of Safety and Public Service (DSPS)~~Commerce~~. **[Amended ~~11-30-1997~~/20/2020 by Ord. No. 113099B]**
- C. Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.
- D. Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his or her agent while in the performance of his or her duties.
- E. Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected, indicating the kind of materials used and the cost of each building and aggregate cost of all one- and two-family dwellings, shall be kept.

§ 84-8 Building permits.

- A. Building permits required. No one- or two-family dwelling, initial construction of which shall be commenced after August 14, 1980, shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner, or his or her agent, from the Building Inspector. Application for a building permit shall be made, in writing, upon that form designated as the Wisconsin uniform dwelling permit application.

Commented [2]: Editor's Note: Former § 84-6, Elevation of accessory buildings, added 2-12-1996 by Ord. No. 021296, was repealed 6-20-2017 by Ord. No. 06202017. See now Ch. 206, Zoning, § 206-18.

[Optional] Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two- family dwellings built before June 8, 1980. Because such projects are not under state jurisdiction, petition for variance and final appeals under ss. SPS 320.19 and 320.20, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that the equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approve petitions for variance, the chief inspector is granted the power to apply the results to similar circumstance by

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precedent.

[Optional] Notwithstanding s. SPS 320.05, the scope is also included in the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical, or plumbing systems shall comply with the Uniform Dwelling code. Petitions for variance and appeals shall be handled as in the previous paragraph.

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- B. Repairs and additions on one or two family dwelling, which initial construction commenced after August 14, 1980 requiring permit. No addition, alteration or repair to an existing one- or two-family dwelling not deemed a minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his or her agent, from the Inspector.
- C. Submission of plans. The applicant shall submit three sets of plans for all new one- and two-family dwellings or repairs or additions to existing one- and two-family dwellings at the time that the building permit application is filed.
- D. Issuance of permit. If the Building Inspector finds that the proposed building or repair or addition complies with all village ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application, and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

§ 84-9 Building permit fees.

- A. No building of any kind shall be commenced, started early, altered, repaired or razed in the village without a permit and/or an occupancy permit being issued therefor by the Building Inspector and the paying of the proper fee(s). Further, no work shall be performed as governed by this chapter of this Code for the village which requires a permit without a permit being issued by the Building Inspector and the paying of the proper fee(s). Said fees shall be as set forth in Chapter **102**, Fees and Penalties. **[Amended 11-30-1999 by Ord. No. 113099B; 11-5-2014 by Ord. No. 11052014]**
- B. Failure to acquire the proper permits prior to commencement of work will result in a fine equal to double the fee(s) for the permits required. **[Amended 12-7-1988 by Ord. No. 12-07A-88]**

§ 84-10 Violations of Uniform Dwelling Code.

- A. No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of the Uniform Dwelling Code or permit any such violation to be committed. Any person violating any of the provisions shall, upon conviction, be subject to a forfeiture as set forth in Chapter **102**, Fees and Penalties, together with the costs of prosecution, and, if in default of payment thereof, shall be imprisoned for a period of not less than one day nor more than six months or until such forfeiture and costs are paid.
- B. 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(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to ~~Section IND 20.10(1)(c), Wisconsin Administrative Code~~SPOS 320.10.
- C. If, after written notification, the violation is not corrected within 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.

- D. Each day each violation continues after the thirty-day written notice period has run shall constitute a separate offense. Nothing in this chapter shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of the Uniform Dwelling Code.
- E. 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 per day as determined by the Building Inspector.

§ 84-11 Appeals.

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.

§ 84-12 Liability for damages.

This chapter shall not be construed as an assumption of liability by the Village Board for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

§ 84-13 Violations and penalties.

Any person who shall violate any provision of this chapter or any order, rule or regulation made or adopted hereunder, including the Wisconsin Administrative Code, shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-18.

Commented [3]: Editor's Note: See Ch. 206, Zoning, § 206-58.