

Town of Menominee Ordinance No. 63 – Uniform Dwelling Code

(as amended)

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1.1 Introduction. The Town of Menominee is considering this ordinance pursuant to authority granted by Wisconsin State Statutes 101.65.

(a) Purpose

- (I) To exercise jurisdiction over the construction and inspection of new one and two-family dwellings.
- (II) To provide plan review and on-site inspections performed by inspectors or agencies certified by DILHR.
- (III) To establish use of standard building permit forms as prescribed by Department of Safety and Professional Services (DSPS).
- (IV) To collect fees to defray administrative and enforcement costs.
- (V) To provide remedies and penalties for violations.

(b) Scope. This ordinance shall apply to all new one and two-family dwellings and to all additions and alterations to such buildings built after June 1, 1980. Plans and inspection will cover topics of construction, heating, ventilation, electrical and plumbing. The scope of this ordinance shall also include additions and alterations to one and two-family dwellings built before June 1, 1980.

(c) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a local, state, or federal court, the remainder of this ordinance, if severable therefrom, shall not be affected thereby.

1.2 State Uniform Dwelling Code (UDC) adopted. Wisconsin Administrative Code Chapters SPS 320-325 are hereby adopted and by reference, made a part of this ordinance. Any future amendments and revisions to the UDC are also made a part of this ordinance in

the interest of statewide uniformity. UDC and SPS 320-325 can be accessed through the DSPS website.

- 1.3 Method of Enforcement. This ordinance will be enforced by using individual municipal enforcement.
- 1.4 Building Inspector. There is hereby created the position of building inspector, who shall administer and enforce this ordinance, in conjunction with the Menominee County Zoning Office.
 - (a) Appointment. The Building Inspector shall be appointed by this Town Board.
 - (b) Qualifications. The Building Inspector(s) shall be certified as stated in SPS 305 for categories under which they will conduct inspections.
 - (c) General Powers and Duties. The Building Inspector shall administer and enforce all provisions of this ordinance. The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the inspector while in the performance of the duties described herein.
 - (d) Records. The Building Inspector shall keep a record of all permit applications issued and inspections made. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the state. A record shall also be kept of all condemnation and removal of buildings. The inspector shall make an annual report to the appointing authority.
- 1.5 Building permits required. No construction within the scope of the ordinance shall take place unless a building permit is first obtained for that work (see SPS 320.09). The Building Inspector will issue the building permit to the owner or their authorized agent. If construction commences prior to permit issuance, the permit fee shall be doubled.
 - (a) Application forms to be used. Building Inspector shall use forms prescribed by DSPS and file a copy of each form with DSPS per state regulations.
 - (b) Submission of plans. The applicant shall submit two copies of plans at the time the building permit application is filed.
 - (c) Issuance of permit. If the Building Inspector determines that the building plans comply with local ordinances, a permit shall be issued. After being approved, the plans and specifications shall not be changed, except with the approval of the Building Inspector. The issued building permit card shall be posted in a conspicuous place at the building site.
 - (d) Occupancy permit. The dwelling may not be occupied until an occupancy permit is issued. The Building Inspector shall issue an occupancy permit if no violations exist that could reasonably be expected to affect health or safety.
 - (e) Permit lapse. The building permit shall expire two years after issuance if the dwellings exterior has not been completed.
- 1.6 Unsafe Buildings. If a building is so old, dilapidated and so out of repair as to be dangerous, unsafe and unsanitary or otherwise unfit for human habitation and so that it would be unreasonable to repair, the Building Inspector, in coordination with the

County Zoning Office, shall order the owner to raze or remove the building at the owner's expense. Such order and proceedings shall be carried out in a manner prescribed by Wisconsin 66.0413.

- 1.7 Permit Fees. Building permit fees which defray the cost of code enforcement, shall be determined and posted by the Building Inspector (or County Zoning Office), and be approved by the Town/County Zoning Committee. The approved fee schedule may be updated as needed by the Town/County Zoning Committee.
- 1.8 Violations and Penalties. When the building inspector cites violations with this ordinance, the violations shall be promptly corrected. All written violations shall be corrected within 30 days unless an extension of time is granted pursuant to section SPS 320 of the UDC. The Building Inspector shall work in conjunction with the Menominee County Zoning Office for all enforcement proceedings.
- (a) Stop order. The Building Inspector may issue a stop construction order (see authority in SPS 320) for the following reasons:
 - (I) If written violations are not corrected after 30 days,
 - (II) Construction significantly and structurally deviates from approved plans,
 - (III) When construction is deemed dangerously unsafe.
- The stop construction order "red tag" shall be posted at the construction site and the owner shall be notified in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the building inspector authorizes the restart.
- (b) Penalties. Any person in violation with this code or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25 or more than \$500 together with the cost of prosecution. Each day that such violation continues will constitute a separate offense.
- 1.9 Appeals. Any person feeling aggrieved by an order of the Building Inspector or County Zoning Office may, within 20 days thereafter, appeal from such order to this appointing authority. The municipality will follow procedures explained in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21.
- 2.0 Effective Date. The ordinance shall take effect upon passage and publication.

Amended by the Menominee Town Board on the 18th day of March, 2021.

Published on this 22nd day of March, 2021.