

**TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
AN ORDINANCE REGARDING BUILDING
ADOPTED MARCH 11, 2008**

- Section 1. Purpose, Authority, and Scope
 - 1.1 Purpose
 - 1.2 Authority
 - 1.3 Scope
- Section 2. Definitions
- Section 3. Adoption of Wisconsin Uniform Dwelling Code
- Section 4. Setbacks, and Height Limitations
- Section 5. Dwelling Renovations and Temporary Habitations
 - 5.1 Renovations and Additions
 - 5.2 Temporary Habitations
- Section 6. Mobile or Manufactured Homes as Dwellings
- Section 7. Other Requirements Remain Applicable
- Section 8. Building Permits
 - 8.1 Permit Required
 - 8.2 Permit Applications
 - 8.3 Permit Application Fees, Timing, and Posting
- Section 9. Inspections
 - 9.1 Building Inspector
 - 9.2 Required Inspections
 - 9.3 Certificate of Occupancy
- Section 10. Penalties for Non-Compliance
- Section 11. Severability
- Section 12. Statement of Non-Liability
- Section 13. Effective Date

THE TOWN BOARD OF THE TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, AUTHORITY, and SCOPE

1.1 Purpose

The purpose of this Ordinance is to protect the health, safety, and general welfare of the public, to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code, and provide for the orderly growth and development of the Town of Sioux Creek as described in the Town of Sioux Creek Comprehensive Plan.

This Ordinance repeals and replaces the Town of Sioux Creek "An Ordinance Regarding Building" adopted and enacted on the 12th day of December 2002

and the Town of Sioux Creek “An Ordinance Regarding Adoption of Wisconsin Uniform Dwelling Code” adopted and enacted on 13th day of April 2004, and all such amendments to said ordinances.

1.2 Authority

a. The Town Board of the Town has the authority under s.60.61, Wisconsin Statutes, and general authority under its Village Powers for the general health, welfare, and safety of the town to adopt this Ordinance.

b. Further, this Ordinance is adopted under the authority granted by s.101.65, Wisconsin Statutes, which allows towns to exercise jurisdiction over the construction and inspection of new dwellings by passage of ordinances, provided such ordinances meet the requirements of the one- and two-family dwelling code adopted in accordance with this subchapter.

c. Further, this Ordinance is adopted under the authority granted by s.66.0435, Wisconsin Statutes, which allows towns to regulate trailers, trailer camps, mobile homes, and mobile home parks.

1.3 Scope

a. The scope of this Ordinance includes the construction and inspection of one- and two-family dwellings, the relocation of said dwellings, or the alteration, renovation, structural change, addition, and major mechanical systems changes that involve extensions to said one- and two-family dwellings.

b. As allowed by the WI UDC Chapter Comm 20.02(2)c & d Adm. Code the scope of the Ordinance includes the construction and inspection of additions to one- and two – family dwellings regardless of age, including said dwellings built before June 1, 1980 and the relocation of said dwellings. To this effect the Town adopts all provisions of Chs, COMM 20-25 by reference.

c. The scope of this Ordinance also includes requirements pertaining to temporary habitations, mobile or manufactured home parks, and mobile or manufactured homes as dwellings.

d. The scope of this Ordinance also includes requirements pertaining to any parcel and structure or structures that fall under COMM 20.02 pertaining to condominiums used as one or two family dwellings.

e. The scope of this Ordinance also includes requirements for detached garages, accessory buildings and other dwelling units as required by Comm 21.08.

SECTION 2. DEFINITIONS

- a. **Accessory Building.** A detached building not used as a dwelling unit but which is incidental to that of the main building and which is located on the same lot. Accessory building does not mean farm building.
- b. **Additions.** Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling or the conversion of attics or basements into sleeping places. In the context of this Ordinance, additions include non-living areas, such as new breezeways, garages, balconies and like additions to be physically connected to an existing building, but excludes decks, patios, and porches unless they are part of any exit from a dwelling as required by Comm 21.03.
- c. **County.** Means the County of Barron, Wisconsin, and includes the County's officers, employees, and agents where appropriate.
- d. **Dwelling.** Any building that contains one- or two-dwelling units. "Dwelling unit" means a structure or that part of a structure which is permanently or intermittently used, or intended to be used, as a home, residence, or sleeping place by one or more persons or by 2 or more persons maintaining a common household to the exclusion of all others.
- e. **Family.** Any number of individuals related by blood, adoption, marriage, or not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.
- f. **Human Habitation.** The act of occupying a structure as a dwelling or sleeping place, whether permanently or intermittently.
- g. **Manufactured Home.** A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425.
- h. **Mobile Home.** A modular unit **built on or before June 15, 1976**, on a chassis, with a body width exceeding eight (8) feet or a body length exceeding forty (45) feet, measured from hitch pin or ball to the most furthest part of the unit, designed to be used alone as a permanent or temporary dwelling, with or without a permanent foundation, when connected to required utilities. A mobile home does not include a manufactured home.
- i. **Owner.** Any person having a legal or equitable interest in a dwelling. "Owner" does not include any person whose legal or equitable interest in a dwelling is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or the purchase of the dwelling by a third party.
- j. **Parcel, or Lot.** .A unit or parcel of land legally described and of record with the county Register of Deeds.

k. **Recreational Vehicle.** A vehicular portable structure built on a chassis, with or without complete kitchen and toilet facilities, and designed to be used as a temporary dwelling for travel, recreation, or vacation use, having a maximum area of four hundred (400) square feet. Examples include: van campers, slide-in pickup campers, tent camping trailers, hitch mount pull-behind campers, and self contained, self propelled truck chassis mounted vehicles providing living accommodations. For purposes of this Ordinance, a recreational vehicle shall not be considered a structure.

k. **State.** The State of Wisconsin, and includes the State's officers, employees, and agents where appropriate.

l. **Structure.** Anything constructed or erected which requires a location on the ground or which is supported by a foundation, piers, posts or other elevated means in or on the ground.

m. **Town.** The Town of Sioux Creek, Barron County, Wisconsin, and includes the Town's officers, employees, and agents where appropriate.

n. **Town Board.** The Town Board of Supervisors for the Town of Sioux Creek, or any person designated to act for the Town Board.

SECTION 3. ADOPTION OF WISCONSIN UNIFORM DWELLING CODE

The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all regulated structures within the scope of this Ordinance, notwithstanding the exemptions described in Wisconsin Uniform Dwelling Code, Chapter Comm 20.05, Adm. Code.

SECTION 4. SETBACKS, AND HEIGHT LIMITS

a. The setback from county trunk highways shall be fifty (50) feet from the right of way or eighty-three (83) feet from the centerline of such highway, whichever is greater.

b. Prior to issuance of a building permit for any dwelling on property adjoining County right of way, the County Highway Department must give approval as provided in 9.2(a)(vii) to assure compliance with County ordinances.

c. The setback from town roads shall be thirty (30) feet from the right-of-way or sixty-three (63) feet from the centerline of such highway whichever is greater.

d. The dwelling setback from boundary line of adjoining properties shall be fifty (50) feet.

e. No dwelling covered by this ordinance shall exceed thirty-five (35) feet in height as measured by the vertical distance above ground level at the surface

that has maximum exposure above the ground. An exception to this provision may be granted if the appropriate officials of the Town and the fire service agency serving the Town determine the dwelling's height poses no unreasonable safety risk.

SECTION 5. DWELLING RENOVATIONS AND TEMPORARY HABITATION

5.1 Renovations and Additions

a. No dwelling shall hereinafter be erected, placed upon, converted, enlarged or structurally altered to the extent of increasing the square foot interior area of said dwelling, including the addition of attics and basements, without first obtaining a Town building permit. The addition or attachment of enclosed structures not meant for habitation, such as breezeways, balconies and porches, do not require a Town building permit unless they are part of any exit from a dwelling as regulated by Comm 21.03. Decks and patios do not require a building permit unless they are part of any exit from a dwelling as regulated by Comm 21.03.

b. Additions to one- and two-family dwellings regardless of age, including said dwellings built before June 1, 1980 and the relocation of said dwellings, shall conform to the Wisconsin Uniform Dwelling Code (not withstanding Chapter Comm 20.05, Adm. Code) and require a Town building permit and Town building inspection.

c. Because such projects are not under State jurisdiction, petitions for variance and final appeals under Comm 20.19 and 20.21, Adm. Code, respectively, shall be decided by the Town Board in the case of variances and in accordance with the Town Administrative Appeals Ordinance in the case of final appeals. Petitions for variance shall be decided per Comm 20.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned. The Town may grant a variance to a rule only if the variance does not result in lowering the level of health, safety and welfare established by the intent of the rule. The Town may consider other criteria in determining whether a variance should be granted including the effect of the variance on uniformity. A variance may not be based on mere inconvenience or financial hardship or be the result of a self created hardship of the applicant. Variance requests stating detailed reasons for the request, and accompanied by the non-refundable variance application fee, shall be submitted to the Building Inspector. As the Town Board approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.

5.2 Temporary Habitations

a. No permit shall be issued for the erection or placement of more than one dwelling on any parcel or lot, except as permitted in 5.2.b. and 5.2.c.

b. A dwelling, structure, recreational vehicle, mobile or manufactured home, or other shelter may be used or occupied as a temporary principal dwelling for

human habitation for a period of up to twelve (12) continuous months while a dwelling or replacement dwelling is under construction on the same premise, parcel, or lot. Such dwelling, structure, recreational vehicle, mobile or manufactured home, or other shelter must have access on the same premise, parcel, or lot to a continuous safe supply of water and an adequate and safe private sewage disposal system. Such dwelling, structure, recreational vehicle, mobile or manufactured home, or other shelter shall comply with UDC dwelling standards and must be inspected and approved by the Town's Building inspector prior to habitation. A written request for such a temporary principal dwelling must be made at the time of building permit application. In the case that the temporary dwelling is a mobile or manufactured home, or dwelling being replaced, it must be removed from the premise, parcel or lot at the end of the permitted time period. In the case that the temporary dwelling is a recreational vehicle, pole shed, storage building, or other permanent structure of the like, it must cease to be used as a place of human habitation at the end of the permitted time period. Upon further application in writing to the Town, stating reasons, this temporary dwelling may be occupied for one additional period of time not to exceed six (6) continuous months immediately following the initial 12-month period.

c. **Special Temporary Occupancy Permit.** By Special Temporary Occupancy Permit a mobile or manufactured home may be used or occupied as an additional dwelling for human habitation for a period of up to twelve (12) continuous months on the same premise, parcel, or lot as an existing occupied dwelling. Such mobile or manufactured home must have access on the same premise, parcel, or lot to a continuous safe supply of water and an adequate and safe private sewage disposal system. A written application stating the reason necessitating the Special Temporary Occupancy Permit must be made in writing to the Town Clerk and must include the information in similar form and content as Section 9 of this Ordinance. The application fee for a Special Temporary Occupancy Permit shall be \$100. State or County Permits, if applicable, and all code inspection fees are separate additional charges. The mobile or manufactured home must comply with all provisions in this Ordinance applicable to either mobile or manufactured homes occupied as dwellings. The temporary mobile or manufactured home must be removed within 180 days from the premise, parcel or lot after the end of the permitted time period or after such earlier time as it ceases to be used for the reason stated in the permit application. Upon further application in writing to the Town, stating reasons, and accompanied by a reapplication fee of \$25, this temporary dwelling may be occupied for additional periods of time, each not to exceed twelve (12) calendar months. Each application for a Special Temporary Occupancy permit will be evaluated on the merits of the unique situation necessitating the permit and the decision to grant or deny the permit is solely up to Town Officials. As the primary criteria for a Special Temporary Occupancy Permit, the reason necessitating the permit must be for the benefit of the person(s) occupying the existing occupied dwelling on the same premise, parcel, or lot.

SECTION 6. MOBILE OR MANUFACTURED HOMES AS DWELLINGS

- a. A mobile or manufactured home may be installed as a dwelling only if a building permit is previously obtained. Permitting the use of such mobile or manufactured home shall be subject to the restrictions set forth herein.
- b. No mobile or manufactured home shall be authorized or permitted unless it complies with the terms, conditions, and standards of the National Manufactured Home Construction and Safety Standards Act (42USC5401 to 5426) or most recent Manufactured Home Construction and Safety Standards Act. All mobile or manufactured homes shall be inspected for compliance with this Act prior to the issuance of a building permit.
- c. No mobile or manufactured home produced before April 1, 2007 shall be authorized or permitted unless it has a minimum of seven hundred twenty (720) square feet.
- d. All mobile or manufactured homes shall comply with the pier installation requirements found in Wisconsin Administrative Code Chapter Comm 21.40.
- e. All mobile or manufactured homes shall be skirted. Skirting shall be material specifically manufactured for use as skirting or other material approved by the Town. No straw/hay bales, fiberboard, wafer board, or other type of building sheathing material is acceptable. Metal or vinyl siding materials as well as painted or stained exterior plywood siding are acceptable.

SECTION 7. OTHER REQUIREMENTS REMAIN APPLICABLE

- a. The issuance of a building permit does not relieve the owner from obtaining any other permit, compliance, or approval that may be required by any other state law or local ordinance, including but not limited to any sanitary permits from the County, subdivision/land division approvals from the Town or County, driveway permits from the Town or County, or complying with any other requirement, ordinance, or law.
- b. Nothing in this ordinance shall contravene the State of Wisconsin Department of Natural Resources' or Barron County's ordinances, regulations, and rulings applicable to lands located in shoreland zoning and floodplain overlay districts.

SECTION 8. BUILDING PERMITS

8.1 Permit Required

a. No dwelling shall be moved within or into the Town, and no new dwelling, or any part thereof, shall hereafter be erected or ground broken for the same without the owner, or his authorized agent, first obtaining a building permit from the Town.

b. No dwelling, regardless of age, shall be added onto without first obtaining a building permit for such work from the Town. Dwelling demolitions, any structural changes, or major changes to mechanical systems that involve extensions shall also require a building permit, unless the demolition or changes are addressed as part of an approved Town building permit for a larger construction effort.

c. The following construction activities shall not require a building permit:

- i. Detached 1- & 2-family accessory structures further than 10 feet from the dwelling, including residential swimming pools and detached garages.
- ii. Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, and dimmers. as well as major equipment replacements (i.e. furnace, water heater, air conditioning, etc.)
- iii. Agricultural structures.
- iv. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements.
- v. Re-siding, re-roofing, finishing of interior surfaces, window/door replacement, installation of cabinetry, and replacement/upgrading of plumbing fixture or lighting fixtures.

8.2 Permit Applications

a. Applications for building permits shall be made to the Town of Sioux Creek using the Town of Sioux Creek building permit application forms furnished by the Town. For dwellings built on or after June 1, 1980, a copy of the Town permit shall also be filed with the State of Wisconsin Department of Commerce. The permit application shall include the following:

- i. The name and address of the applicant, the owner of the property, the builder or contractor or architect or engineer.
- ii. The legal description of the parcel or lot for the dwelling and any legal covenants or deed restrictions on the property or parcel.
- iii. The Barron County-assigned property identification number (PIN#) for the property or parcel.
- iv. Size of the property or parcel.

- v. A sketch showing the exact location of the proposed dwelling, size of the lot or parcel, all property boundary lines, location of the existing or proposed sanitary system, location of the existing or proposed water supply well, all setback distances (in feet), existing public roadways and other access routes to the property, and the existing or proposed driveway location to the property.
 - vi. A floor plan of the proposed dwelling with square footage calculated.
 - vii. Permit for driveway access to highway or road adjoining property.
 - viii. Permit for the adequate and safe private sewage disposal system with the approximate date of its completion.
 - ix. The proposed manner in which a safe supply of water will be provided and the approximate date of its completion.
- b. For dwellings built on or after June 1, 1980, a State of Wisconsin Uniform Building Permit is required; a State of Wisconsin Uniform Building Permit Application must be submitted to the Town Building Inspector and must include all documentation, plans, and worksheets required by Comm 20 – 25.

8.3 Permit Application Fees, Timing, and Posting

- a. The application for the building permit when filed, shall be accompanied by a fee of one hundred dollars (\$100.00) for new construction or relocations, and a fee of ten dollars (\$10.00) for additions. State or County permits, if applicable, the plan review fees, and code inspection fees are separate additional charges. In cases of new construction, the building permit fee shall include \$25.00 for the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to any new dwelling.
- b. An application for a Town building permit shall be granted, denied, or continued for technical reasons in writing by the Town within thirty (30) days after the date of filing thereof. Should the Town fail to act within the allotted thirty (30) days, the permit shall be considered approved.
- c. The permit shall expire 24 months after issuance if the dwelling exterior has not been completed.
- d. The building permit shall be posted at the dwelling site in such a manner as to be in conspicuous view from the exterior of the dwelling.
- e. Any permit issued as a result of any false or misleading statement made in the application for the permit shall be null and void.
- f. The application fee for variance per 5.1.c shall be \$250.00.

SECTION 9. INSPECTIONS

9.1 Building Inspector

There is hereby created the position of Building Inspector, who shall administer and enforce this Ordinance and shall be certified by the Wisconsin Department of Commerce—Division of Safety & Buildings as specified by s.101.66(2) Wisconsin Statutes, in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

9.2 Required Inspections

a. The property owner or builder shall make the property available for building inspections during normal business hours or such other time as may be mutually agreeable to the owner, builder, and inspector. All inspections of one- and-two-family dwellings shall be made by a party holding proper certification under state law. An inspector of one- and-two-family dwellings does not have to be certified to the extent he/she makes inspections which are not required by state law. The Town will provide inspections based on the State of Wisconsin's Uniform Dwelling Code (UDC) and the Town's ordinance requirements.

b. A person owning a mobile or manufactured home who desires to make improvements subject to this Ordinance must call the Town building inspector to schedule an inspection.

c. In the case of additions, renovations, and alterations, generally only those portions of the structure which are repaired or altered shall require an inspection and be made to comply with the requirements of this Ordinance, unless the additions, renovations, or alterations impact other portions of the structure or systems in a manner which poses a threat to health and safety.

9.3 Certificate of Occupancy

No dwelling, mobile, or manufactured home or additions thereto requiring a building permit by this Ordinance shall be inhabited until the structure is substantially complete and the building inspector has inspected, approved, and issued a Certificate of Occupancy for the structure.

SECTION 10. PENALTIES FOR NON-COMPLIANCE

a. Any person, firm, or corporation who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with this Ordinance, or resists enforcement of any of its provisions shall be subject to a written notice of violation.

- b. The Building Inspector, a law enforcement officer, or any other authority authorized by the Town Board may require by written order any premises violating this Section to be put in compliance within thirty (30) days or other time as specified in such order.
- c. Each written order shall be considered a new violation of this Ordinance. Forfeitures shall be assessed in the following manner:
 - i. Failure to comply with first written notice: \$100.00
 - ii. Failure to comply with second written notice: \$150.00
 - iii. Failure to comply with third written notice: not less than \$150.00 nor more than \$1,000.00 for each day of continued non-compliance following the expiration of the notice period contained in the notice served.
- d. If the premises are not brought into compliance within the time specified in the written violation, then The Town Board, a law enforcement officer or any other authority authorized by the Town Board may issue citations or bring civil actions before the circuit court to collect forfeitures as may from time to time be determined by the Town Board.

SECTION 11. SEVERABILITY.

Should any provision of this Ordinance be declared to be invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this Ordinance as a whole, but shall only affect the portion thereof declared to be invalid.

SECTION 12. STATEMENT OF NON-LIABILITY.

The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or any damage that may result in or after installation, and reserves the right to order changes or additions should conditions arise making this necessary.

The Town asserts that there is no liability on the part of the Town of Sioux Creek, its agencies, or committees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by s.60.80, Wisconsin Statutes.

Adopted this 11 th day of March , 2008.

 Andy Candler (signature)
Andy Candler, Town Board Chairperson

Published and Posted this 27 th day of March , 2008.

Attest: Kathleen L. Martin (signature)
Kathleen L. Martin, Town Clerk