

**TOWN OF ATHELSTANE  
BUILDING  
ORDINANCE #5**

**SECTION 1 - BUILDING PERMITS**

- A. No dwelling , building, structure, mobile home or any part thereof shall be erected or installed, enlarged, set up, relocated, moved or razed within the Town of Athelstane by any individual, owner, firm or corporation until a building permit has been obtained from the proper agent of the Town of Athelstane.
- B. Any and all permits required by the State of Wisconsin and/or the County of Marinette must be obtained prior to obtaining a Building Permit from the Town of Athelstane or the Town's appointed state certified inspector , if required.
- C. Such permit shall be issued by the Town Clerk or person designated by the Town Board upon application, including the following:
  - a. name and address of the owner of the property
  - b. address of the property, if applicable, including parcel number
  - c. description of the work to be completed
  - d. estimated value of proposed project
- D. Building permits shall expire after eighteen (18) months from the date of issue. All permitted projects not completed within said time period require a new permit.
- E. The cost of the Building Permit shall be forty (\$40.00) dollars.
  - a. After the fact Permit Fee is two hundred fifty (\$250.00) dollars.
- F. Building inspection costs, if applicable, are the responsibility of the landowner.
- G. Signs are posted to advise landowners of Building Permit requirements.

## **SECTION 2 - MINIMUM DWELLING SIZE**

- A. REMOVED March 13, 2018:** A minimum living space of five hundred seventy-six (576) square feet is required for any dwelling, stick built, manufactured or modular home constructed for human occupancy.
- B.** No more than one (1) dwelling shall be erected or maintained on any parcel comprised of three (3) acres or less. Parcels greater than three (3) acres may have up to two (2) dwellings. All calculations of lot area shall be exclusive of any dedications, right-of-way, easements or reservations.
- C.** Non-conforming buildings:
  - a.** In the event that any structure not in conformity with this ordinance is destroyed by any casualty or falls into disrepair, no person shall replace or repair any such nonconforming structure.

## **SECTION 3 - SETBACKS**

- A.** The minimum setback for buildings, decks or porches shall be seventy-five (75) feet from the centerline of any Town or County road.
- B.** The minimum setback for buildings, decks, porches shall be fifteen (15) feet from all side and rear lot lines.
- C.** The overhang of any structure shall be the point from which the setback shall be measured.
- D.** Fences are exempt from the fifteen (15) foot setback from the back and side property lines.

## **SECTION 4 - MANUFACTURED HOMES**

- A.** Town of Athelstane adopts the State of Wisconsin Safety and Professional Services Chapter 321.40 addressing manufactured home standards.

## SECTION 5 – STATE UNIFORM DWELLING CODE ENFORCEMENT

### A. Adoption of Codes

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs Comm 16-17	Electrical Code Uniform Dwelling
Chs Comm 20-25	Code Inspection Certification
Ch Comm 26	Rental Unit Energy Efficiency
Ch Comm 69	Building Code Uniform Plumbing
Chs Comm 81-86	

- (2) Chapter COMM 50 - 66, Wis Adm Code (Wisconsin State Building Code) and COMM 75 – 79, Wis Adm Code (Existing Buildings Code) are hereby adopted and made a part of this Ordinance with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.
- (3) By virtue of adopting COMM 61.05, Wis Adm Code, the following codes are also adopted and incorporated by reference:
- a. *IBC. The International Building Code® - 2000*, subject to the modifications specified in COMM 61-62, Wis Adm Code.
  - b. *IECC. The International Energy Conservation Code® - 2000*, subject to the modifications specified in COMM 63, Wis Adm Code.
  - c. *IMC. The International Mechanical Code® - 2000*, subject to the modifications specified in COMM 64, Wis Adm Code.
  - d. *IFGC. The International Fuel Gas Code® - 2000*, subject to the modifications specified in COMM 65, Wis Adm Code.
- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Ordinance to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Building Inspector's Office.

- (5) Also adopted by reference are federal HUD Standards Ch XX, Part 3280 and 3282.

**B. Existing Buildings.** The “Wisconsin Uniform Dwelling Code” shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired.
- (3) Additions and alterations, regardless of cost, made to an existing building constructed post-1980 as deemed necessary by state law shall comply with the requirements of this Ordinance for new buildings.
- (4) Additions and alterations – Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Ordinance.

**C. Definitions.** As used herein:

- (1) **Addition** – New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration** – A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Department** – the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations).
- (4) **Dwelling** –
  - a. Any building, the initial construction of which is commenced on or after the effective date of this Ordinance which contains one (1) or two (2) dwelling units; or
  - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) **Minor Repair** – Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) 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.
- (6) **One (1) or Two (2) Family Dwelling** – A building structure which contains one (1) or two (2) separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others. Included are “community living arrangements”.
- (7) **Person** – An individual, partnership, firm or corporation.

#### **D. Method of Enforcement.**

- (1) Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector (or state-provided inspector or contract certified inspector) shall be certified for inspection purposes by the Department in each of the categories specified under Sec COMM 26.06, Wis Adm Code.
- (2) Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
- (3) Duties.** The Building Inspector shall administer and enforce all provisions of this Ordinance, the Uniform Dwelling Code and all other duties as assigned by the Town Board.
- (4) Inspection 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/her agent while in performance of his/her duties. If inspection access is denied, the Building Inspector may seek an inspection warrant from a circuit court.
- (5) Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue.

#### **SECTION 6 - PENALTIES**

- A. Any person not in compliance shall be adjudged a forfeiture of two hundred fifty (\$250.00) dollars for each offense, plus those costs of prosecution permitted by Wisconsin statutes. Each day that an individual is in violation of this Ordinance shall be considered a separate violation for which a separate penalty may be applied.

**SEVERABILITY**

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

This ordinance adopted by the Town Board of the Town of Athelstane on this 9<sup>th</sup> day of February, 2016.

The Town Board of Athelstane

By: \_\_\_\_\_ Attest \_\_\_\_\_  
John Dobratz - Chairman Janice DuChateau - Clerk

\_\_\_\_\_  
Harold Tesch Jr - Supervisor

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David Jose - Supervisor