

CHAPTER XXXXI

UNIFORM DWELLING CODE

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41.01 WISCONSIN UNIFORM DWELLING CODE ADOPTED. The provisions of the Wisconsin Uniform Dwelling Code establishing uniform statewide construction standards and inspection procedures for one and two family dwellings and manufactured buildings for dwellings as published in the Wisconsin Administrative Register, November, 1979, except the provisions thereof relating to Penalties (Section IND 20.22), provisions relating to Exemptions (Section IND 20.05) and Effective date (Section IND 20.03) as herein modified, are hereby adopted and are incorporated by reference in this ordinance as if fully set forth.

41.02 EXEMPTIONS. The provisions of this code shall apply as provided in Sections IND 20.03 and 20.04 of the Uniform Dwelling Code and shall also apply to all dwellings and dwelling units the initial construction of which is commenced on or after the effective date of this ordinance; to all additions and alterations to dwellings or dwelling units regardless of when construction of said dwelling or dwelling units initially commenced; to recreational dwellings, the initial construction of which was commenced on or after the effective date of this code; and to any permanent heating, air conditioning, electrical or plumbing systems installed in recreational dwellings regardless of when initial construction of such dwellings commenced. Any addition or alteration to any dwelling or dwelling unit, including any recreational dwelling or system therein, shall comply with the provisions of this code at the time the permit for addition or alteration is issued and the exemption for additions or alterations to dwellings or dwelling units, construction of which was commenced prior to the effective date of this code, as set forth in section IND 20.05 of the Uniform Dwelling Code, shall be inapplicable in the Village of Elkhart Lake.

41.03 PERMIT REQUIRED. No person shall build or cause to be built any one-or two-family dwelling, or any addition or alteration to a one-or two-family dwelling, without first obtaining a building permit from the Village Building Inspector. Application shall be made on a form furnished by the Village Clerk. On and after June 1, 1980, the form of such application and permit shall be as provided by the Wisconsin Department of Industry, Labor and Human Relations under the Wisconsin Uniform Dwelling Code. A copy of the permit shall be filed by the Building Inspector with the Village clerk.

41.04 BUILDING INSPECTOR: PLAN AND BUILDING INSPECTIONS. The Village Board shall from time to time designate a person or persons as Village Building Inspector (s). After June 1, 1980, no person may be designated a Building Inspector under this code unless the person is certified by the Wisconsin Department of Industry, Labor & Human Relations as competent to perform plan and on-site inspections of compliance with the standards for construction, heating, ventilating and air conditioning, electrical, plumbing or potable water supplies and to administer comparable inspection provisions of the Wisconsin Uniform Dwelling Code.

41.05 PERMIT AND INSPECTION FEES. The Village Board shall from time to time determine the amount of the fee to be charged for the issuance of building permits, plan review and on-site inspection under the provisions of this code. At the time of application for a permit the applicant shall pay to the Village Clerk the permit fee, the plan review fee and an amount required to reimburse the Village for processing the application. Prior to issuance of the permit the applicant shall deposit with the Village Clerk a sum estimated by the Clerk from information

supplied by the responsible Village Building Inspector(s) to cover the cost of all required inspections. If actual costs are less than the amount deposited, any excess shall be refunded to the permittee. If costs exceed deposits, the Village Inspector(s) shall not issue a certificate of occupancy until such deficiency has been paid.

41.06 APPEALS. Appeals from orders or decisions of the Village Building Inspector(s) relating to granting or denying a building permit, an inspection, an occupancy permit or any other application of this code, may be taken to the Village Zoning Board of Appeals in accordance with the provisions of section 16.24 of the Village Code of Ordinances: provided that subsequent to June 1, 1980, the determination of the Zoning Board of Appeals with respect to applications or constructions subject to the Wisconsin Uniform Dwelling Code shall not entitle the applicant or permittee to a variance or exception until approved by the Wisconsin Department of Industry, Labor & Human Relations in accordance with the provisions of sections IND 20.19 and 20.21 of the Uniform Dwelling Code. Appeals to the Department must be taken within 14 days of the date on which the Board of Appeals written determination is mailed to the applicant.

41.07 ZONING APPROVAL. Every applicant for a building or occupancy permit under this code shall submit three sets of building plans in the form required by Section IND 20.09(4), of the Uniform Dwelling Code. One set of plans shall be referred to and reviewed by the Village Zoning Administrator and no permit shall be issued for construction or occupancy until the Zoning Administrator has endorsed the plans as complying with the provisions of the Village Zoning Ordinances. No plans shall be approved or conditionally approved or building or occupancy permits issued by the Building Inspector until such approval has been stamped on each set of plans.

41.08 ENFORCEMENT AND PENALTIES. (1) **FORFEITURE.** Any person who shall violate any provisions of this code shall, upon conviction thereof, be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 together with costs of prosecution and applicable penalty assessment and on default of payment shall be imprisoned until said forfeiture, costs and applicable penalty assessment are paid, but not to exceed 90 days.

(2) **CONTINUING VIOLATION.** Each day on which a violation occurs or continues shall be deemed a separate offense.

(3) **INJUNCTIONAL REMEDIES.** Any building or structure erected, constructed or reconstructed in violation of this code shall be deemed an unlawful structure and a nuisance and the municipal attorney upon complaint of any person performing inspection services hereunder may bring an action to enjoin or abate such construction and nuisance in the Circuit Court for Sheboygan County.

(4) **CITATIONS.** Persons designated as Building Inspectors under this code and the Zoning Administrator of the Village are hereby authorized to use citations for violation of this code in accordance with the provisions of Section 66.119, Wis. Statutes. The form of citation shall be as prescribed by section 66.119(1) (b), Wis. Statutes. Cash deposits in accordance with the following schedule shall be made to the Village Clerk who shall issue a receipt therefor.

SCHEDULE OF CASH DEPOSITS

(a) Failure to obtain building or occupancy permit one-family residence	\$250.00
two-family residence or occupancy permit	\$300.00
(b) Proceeding in violation of order of suspension or revocation	\$200.00
(c) Proceeding without required inspection	\$100.00
(d) Failure to comply with condition imposed by inspector	\$150.00
(e) Other	\$ 50.00

41.09 SEVERABILITY. If any section, clause, provision or, other portion of this ordinance, including the Wisconsin Uniform Dwelling Code incorporated by reference herein, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby. The Village Board hereby declares that it would have adopted this ordinance and the Wisconsin Uniform Dwelling Code and each and every part thereof as a separate provision regardless of the validity of the remainder.

41.10 CONFLICTS. All ordinances, resolutions or other legislative actions of the Village Board of the Village of Elkhart Lake which are in conflict herewith are hereby repealed.

41.11 EFFECTIVE DATE. This ordinance shall take effect upon passage and publication as provided by law.