

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

TITLE 1

Land Use Regulations

Chapter 1	Building, Plumbing, Electrical, Heating and Ventilation Code
Chapter 2	Building Code Violation Bond Schedule
Chapter 3 through 5	Reserved for future use

CHAPTER 1

Building, Plumbing, Electrical, Heating and Ventilation Code

1-1-1	Building Code Established
1-1-2	Building Permits and Inspection
1-1-3	State Uniform Dwelling Code Adopted
1-1-4	Construction Standards; Codes Adopted
1-1-5	Electrical and Plumbing Permits
1-1-6	New Methods and Materials
1-1-7	Unsafe Buildings
1-1-8	Disclaimer on Inspections
1-1-9	Garages
1-1-10	Regulation and Permit for Razing Buildings
1-1-11	Basements; Excavations
1-1-12	Fences
1-1-13	Regulations for Moving Buildings
1-1-14	Swimming Pools
1-1-15	Fees
1-1-16	Severability
1-1-17	Penalties
1-1-18-	
1-1-25	Reserved for Future Use

SEC. 1-1-1 BUILDING CODE ESTABLISHED

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Albany, Green County, Wisconsin" and will be referred to in this Chapter as "this Code," "this Chapter," or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New Buildings hereafter erected in, or any building hereafter moved within or into the Town of Albany, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and equipment which affects the health or safety of the users thereof or any other persons is a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

construction and use and the Zoning Code of Green County and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

SEC. 1-1-2 BUILDING PERMITS AND INSPECTION

(a) **Permit Required.**

(1) General Permit Requirement. No building of any kind shall be moved within or into the Town of Albany and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the town, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) Alterations and Repairs. The following provisions shall apply to buildings altered and/or repaired:

- a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
- b. Repairs. Repairs for the purpose of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
- c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
- d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
- e. Extent of Deterioration. The Building Inspector shall determine the amount and extent of deterioration of any existing building or structure.

(b) **Application.**

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- (1) Application for a building permit shall be made in writing upon a form furnished by the Building Inspector, or his designee, and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector, or his designee, may require.
- (c) **Site Plan Approval.**
(1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion covered by the scope of this chapter shall require site plan approval by the Green County Zoning Department prior to a Building Permit being issued, unless Zoning approval is not required for such project. A copy of approved site plan shall be produced to obtain a Building Permit.
- (d) **Plans.**
(1) Plans. With applications for new detached structures or additions, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town Datum), grade of lot and of street/road abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street/road), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, the signature of the applicant and, if necessary due to the nature of the project, a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Commercial Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations, if required by such code. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. The designer shall sign all plans and specifications.
- (f) **Waiver of Plans; Minor Repairs.**
(1) Waiver. If the Building Inspector, or his designee, finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Five Thousand Dollars (\$5,000.00).
(2) Minor Repairs. The Building Inspector, or his designee, may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, or his designee, are valued at less than Five Hundred Dollars (\$500.00), including the fair market value of labor and materials, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
(1) If the Building Inspector, or his designee, determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Town, he shall issue a building permit which shall state the use to which

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector, or his designee.

- (2) In case adequate plans are presented for part of the building only, the Building Inspector, or his designee, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) **Inspection of Work.**

- (1) The Contractor shall notify the Building Inspector, or his designee, when ready for inspections and the Building Inspector, or his designee, may inspect after notification all buildings at the following states of construction.

- a. Footings, foundation and drain tile. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
- b. General framing, rough electrical, plumbing, and HVAC;
- c. Insulation; and
- d. Completion of structure (occupancy).

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification of occupancy that shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(i) **Permit Lapses.**

- (1) A building permit shall lapse and be void unless the building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

(j) **Revocation of Permits.**

- (1) The Building Inspector, or his designee, may revoke any building, plumbing, electrical, or HVAC permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- a. Whenever the Building Inspector, or his designee, shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.

- (a) Whenever the continuance of any construction becomes dangerous to life or property.
- (b) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
- (c) Whenever, in the opinion of the Building Inspector, or his designee, there is inadequate supervision provided on the job site.
- (d) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
- (e) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector, or his designee, for the use of all new materials, equipment, methods or construction devises or appliances.

- (2) The notice revoking a building, plumbing, electrical or HVAC certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.

- (3) The Building Inspector, or his designee shall also post a revocation placard upon the building, structure, equipment or premises in question.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector, or his designee, may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (k) **Report of Violations.**
 - (1) Town officers shall report at once to the Building Inspector, or his designee, any construction that is being carried on without a permit as required by this Chapter.
- (l) **Display of Permit.**
 - (1) Building Permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SEC. 1-1-3 STATE UNIFORM DWELLING CODE ADOPTED

- (a) **State Code Adopted.**
 - (1) The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters COMM 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or is prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. 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 (1) and two (2) family dwellings in the Town of Albany. A copy of these administrative code provisions and any future amendments shall be kept on file in the Building Inspector's office.
- (b) **Existing Buildings.**
 - (1) The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
 - a. An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - b. Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector, or his designee, shall comply with the requirements of this Chapter for new buildings. The provisions of Section 10-1-2 shall also apply.
 - c. Roof Coverings. Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable sections of this Chapter.
- (c) **Definitions.**
 - (1) Addition. "Addition" means new construction performed on a dwelling, which increases the outside dimensions of the dwelling.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) Department. "Department" means the Department of Industry, Labor and Human Relations (ILHR).
- (4) Dwelling. "Dwelling" means:
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter 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. "Minor repair" means 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 one (1) or two (2) family dwelling" means a building structure which contains one (1) or 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.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter COMM 20-Administrative and Enforcement

Wis. Adm. Code Chapter COMM 21-Construction Standards

Wis. Adm. Code Chapter COMM 22-Energy Conservation Standards

Wis. Adm. Code Chapter COMM 23-Heating, Ventilating and Air Conditioning

Wis. Adm. Code Chapter COMM 24-Electrical Standards

Wis. Adm. Code Chapter COMM 25-Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) Certification. The Building Inspector shall be certified for inspection purposes by the department in each of the categories specified under COMM 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (2) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (3) Inspection Powers. The Building Inspector, or his designee, 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 HVAC work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector, or his designee, while in performance of his duties. If authorized Town inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to Section 66.122, Wis. Stats.
- (4) Records. The Building Inspector, or his designee, shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector, or his designee, 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

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector, or his designee, shall make a written annual report to the Town Board relative to these matters.

SEC. 1-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

(a) **State Building Code Adopted.**

(1) Chapters COMM 50 through 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chapters 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chapters 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector, or his designee.

(b) **State Plumbing Code Adopted.**

(1) The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chapters COMM 81, 82, and 83, and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.

(c) **State Electrical Code Adopted.**

(1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.

(2) Subject to the exceptions set forth in this Chapter, COMM 16 and 17 of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

(d) **Conflicts.**

(1) If, in the opinion of the Building Inspector, or his designee, and the Town Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SEC. 1-1-5 ELECTRICAL AND PLUMBING PERMITS.

(a) **Electrical Permits.**

(1) Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the regulations set forth in the National Electric Code and in the National Electrical Safety Code shall be

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

prima facie evidence of conformity with approved standards for safety to persons and property.

- (2) No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, or his designee, except that minor repairs or replacements of broken or defective sockets, switches, or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector, or his designee, and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector, or his designee.
- (3) After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector, or his designee, who shall within the time allowed by COMM 20 inspect, or cause to be inspected, the same. Upon completion of such wiring, the Building Inspector, or his designee, shall be notified and shall inspect or cause to be inspected the finished work.

(b) Plumbing Permits.

- (1) The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to this Chapter, the State Plumbing Code adopted by the Department of Health and Social Services, and Chapter 145, Wisconsin Statutes.
- (2) No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefore from the Building Inspector, or his designee. The application for such permit shall be on a form furnished by the Building Inspector, or his designee, and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector, or his designee.

SEC. 1-1-6 NEW METHODS AND MATERIALS.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

SEC. 1-1-7 UNSAFE BUILDINGS.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- (a) Whenever the Town Board, upon the inspection and report of the Building Inspector, or his designee, finds any building or part thereof within the town to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy or use and so that it would be unreasonable to repair the same, the Town Board may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Town Board shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wisconsin Statutes.

SEC. 1-1-8 DISCLAIMER ON INSPECTIONS.

- (a) The purpose of inspections under this Chapter is to improve the quality of housing in the Town of Albany. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspections. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied".
- (b) This Code shall not be construed to relieve from or lessen the responsibility or liability of any person supplying to, or selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting, or maintaining any work covered by the scope of this Code, or any device or equipment or for damages to persons or property caused by any defect therein in therefrom; nor shall the Town, the Building Inspector, or his designee be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or re-inspection authorized by the Code, or be reason of the approval or disapproval of and equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. Nor shall the Town, the Building Inspector, or his designee be held liable for any damages resulting from the enforcement of this Code.

SEC. 1-1-9 GARAGES.

- (a) Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

SEC. 1-1-10 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- (a) No building within the Town of Albany shall be razed without a permit from the Building Inspector, or his designee. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

thereby is commenced within six (6) months from the date thereof or completed within thirty (30) from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector, or his designee.

- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building without written consent from the Town Board and the Building Inspector, or his designee. If any razing or removal operation under this Section results in, or would likely result in an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other approved means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other approved means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations. If razing or removal operation under this Section results in, or would likely result in the exposure of such hazardous materials as asbestos or lead, the permittee shall take all necessary steps, through the employment of a qualified person in the field of removal of such substances, to treat and eradicate such materials prior to the razing operation beginning.

SEC. 1-1-11 BASEMENTS AND EXCAVATIONS.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector, or his designee shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) or more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector, or his designee shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector, or his designee, on the cost thereof, pursuant to the provisions of Sec. 66.60, Wisconsin Statutes.
- (c) **Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector, or his designee shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector, or his designee to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05 (2)(a), Wisconsin Statutes.

SEC. 1-1-12 FENCES.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials, which would constitute a nuisance. This Section shall not regulate fences used for farming, which shall be governed by the Wisconsin Statutes.
- (b) **Permit Required.** Before work is commenced on the construction or erection of a residential or commercial fence or on any major alterations, additions, remodeling or other improvements, an application for a fence building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector, or his designee. Plans and specifications and pertinent explanatory data, including type of construction and materials, shall be submitted to the Building Inspector, or his designee at the time of application. No work or any part of the work shall be commenced until the applicant obtains a written permit for such work. The Building Inspector, or his designee may refuse to issue a fence permit if the proposed material or design is unsightly, hazardous, or would create a nuisance.
- (c) **Fences Categorized.** Fences shall be categorized into four (4) classifications.
- (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties. Does not include fences used for farming. Installation and maintenance of boundary fences are the sole responsibility of the owner of the property being bounded.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, closure or boundary.
- (d) **Height of Fences Regulated.**
- (1) A fence, wall, hedge or shrubbery may be erected, placed, maintained or grown on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of four (4) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge or shrubbery along such lot line. Any County ordinances or orders regulating height shall supersede.
 - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- (e) **Setback for Residential Fences.**
 - (1) Fences may be constructed alongside lot lines, but shall not extend to within three (3) feet from the street and street/side lot lines.
- (f) **Security Fences.**
 - (1) Security fences are permitted on the property lines in all districts except residential district, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (g) **Prohibited Fences.**
 - (1) No residential or commercial fence shall be constructed which is a picket fence, is of a dangerous condition, conducts electricity, is designed to electrically shock or which uses razor or barbed wire.
 - (2) Barbed wire may be used in an industrially zoned area if the devices securing the barbed wire to the fence are ten (10) feet above the ground and project toward the fenced property and away from any public area. Barbed wire may also be used for agricultural fences.
- (h) **Fences Repaired.**
 - (1) All fences shall be maintained and kept safe and in a state of good repair. The finished or decorative side of a fence shall face the adjoining property.
- (i) **Temporary Fences.**
 - (1) Fences erected for the protection of plantings or to warn of a construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Chapter. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than sixty (60) days.
- (j) **Nonconforming Fences and Hedges.**
 - (1) Any fence or hedge existing on the effective date of this Section and not in conformance with this Section may be maintained, but any alteration, modification, or improvement of said fence shall comply with this Section.

SEC. 1-1-13 REGULATION FOR MOVING BUILDINGS.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the Town of Albany without first obtaining a permit therefore from the Building Inspector, or his designee, and upon the payment of the required fee. Every such permit issued by the Building Inspector, or his designee for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - (2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Building Inspector, or his designee prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.
- (b) **Continuous Movement.**
 - (1) The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(c) **Street Repair.**

(1) Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, or his designee, so that he may inspect the streets or roads over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town Board shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

(d) **Conformance with Code.**

(1) No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector, or his designee has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, or his designee, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Town, the party applying therefore shall give a bond to the Town of Albany in a sum to be fixed by the Town Board, and which shall not be less than one thousand dollars (\$1,000.00). Said bond shall be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent. Said bond shall be conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal and/or moving of the building for which the permit is issued.

(2) Unless the Building Inspector, or his designee, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

employing such other means, devices or methods approved by the Building Inspector, or his designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.

(f) **Insurance.**

- (1) The Building Inspector, or his designee, shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than one hundred thousand dollars (\$100,000.00) and for one (1) accident in the sum of not less than two hundred thousand dollars (\$200,000.00), together with property damage insurance in the sum of not less than fifty thousand dollars (\$50,000.00), or such other coverage as deemed necessary.

SEC. 1-1-14 SWIMMING POOLS.

(a) **Definition.**

- (1) A private or residential swimming pool is and outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(b) **Exempt Pools.**

- (1) Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of eighteen (18) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

(c) **Permit Required.**

- (1) Before work is commenced on the construction or erection of private or residential swimming pools or on any alteration, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector, or his designee. Plans and specifications and pertinent, explanatory data should be submitted to the Building Inspector, or his designee at the time of application. No work or any part of the work shall be commenced until the applicant obtains a written permit for such work. The minimum building permit fee pursuant to the Building Code shall accompany such application.

(d) **Construction Requirements.**

- (1) In addition to such other requirements as may be reasonably imposed by the Building Inspector, or his designee, the Building Inspector, or his designee shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed.
- a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and Code and with any and all Ordinances of the Town now in effect or hereafter enacted.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

- b. All plumbing work shall be in accordance with all applicable Ordinances of the Town and all State Codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into a sanitary sewer system, or onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
 - c. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with all state regulations and Code and with any and all Ordinances of the Town regulating electrical installations.
- (e) **Setbacks.**
- (1) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Green County Zoning Code for swimming pools. If not specifically addressed, than the location shall be no closer than that listed for accessory buildings.
- (f) **Fence.**
- (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than six (6) inches in one (1) dimension. Gates or doors shall have hardware installed so they maintain in a closed, locked position while the pool is not in actual use.
 - (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosing railing a minimum of thirty-six (36) inches high on the top or sidewalls or the side walls themselves are a minimum of forty-eight (48) inches high.

SEC. 1-1-15 FEES.

- (a) All building permit fees required by this Chapter shall be established by resolution of the Town Board of the Town of Albany. These fees shall be subject to annual review and amendment.
- (b) If a building permit is not obtained prior to commencement of construction, the above fees shall be doubled.

SEC. 1-1-16 SEVERABILITY.

- (a) If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

SEC. 1-1-17 PENALTIES AND VIOLATIONS.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector, or his designee shall promptly report all such violations to the Town Board and/or the Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed. Said violation may also be subject to a penalty as provided in general penalty provisions of the Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector, or his designee or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by an injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector, or his designee shall notify the applicant and/or the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wisconsin Administrative Code.
- (2) If, after written notification, the violation is not corrected within thirty (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, or his designee, after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (4) 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.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector, or his designee, may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Albany charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.
- (e) Without disparaging or limiting any other authority to enforce building codes delegated to the Town, the Town elects to authorize enforcement of the provisions of this chapter using the citation method. For the purpose of enforcing the provisions of this section and the remainder of the Town of Albany Building Code, the Town Building Inspector, or his designee is authorized to prepare and issue citations. The Town Attorney shall prosecute such citations.

TOWN OF ALBANY

Title 1, Chapter 1, Building, Plumbing, Electrical, and HVAC Code

CHAPTER 2

Building Code Violation Bond Schedule

- 2-1-1 Schedule of Deposits
- 2-1-2-
- 2-1-5 Reserved for Future Use

SEC. 2-1-1 SCHEDULE OF DEPOSITS

- (a) The schedule of cash deposits shall be established by the Town board for used with citations issued under this Chapter according to the penalty provision of this Code, a copy of which is on file at the Town Hall.
- (b) Where no other deposit has been set, the uniform bond and deposit schedule adopted by the State of Wisconsin shall control.
- (c) Deposits shall be made in cash, money order or certified check to the Clerk of Court who shall provide a receipt therefore.