

## **Chapter 10 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>**

### ***ARTICLE I. IN GENERAL***

**Secs. 10-1—10-17. Reserved.**

### ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT***

**Sec. 10-18 Authority.**

These regulations are adopted under the authority granted by Wis. Stats. §§ 101.65 and 101.12.  
(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-19. Building inspector.**

The building inspector authorized by the municipality to enforce the adopted codes shall be properly certified by the division of industry services.  
(Ord. No. 2020-01, 3-4-2020)

**Secs. 10-20—10-41. Reserved.**

### ***ARTICLE III. BUILDING AND TECHNICAL CODES***

#### ***DIVISION 1. GENERALLY***

**Secs. 10-42—10-70. Reserved.**

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<sup>1</sup>Editor's note(s)—Ord. No. 2020-01, adopted March 4, 2020, amended chapter 10 in its entirety to read as herein set out. Former chapter, §§ 10-19, 10-71—10-73, 10-105—10-109 and 10-132—10-141, pertained to similar subject matter, and derived from Ord. No. 1998-02, adopted April 1, 1998; Ord. No. 2000-06, adopted April 5, 2000; Ord. No. 2002-02, adopted March 6, 2002; an ordinance of April 4, 2012; an ordinance of September 4, 2013 and two ordinances of May 4, 206.

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**DIVISION 2. WISCONSIN UNIFORM DWELLING CODE AND WISCONSIN  
COMMERCIAL CODE**

**Sec. 10-71. Purpose.**

The purpose of this article is to promote the general health, safety, and welfare by enforcing the adopted codes.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-72. Scope.**

This chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Petitions for variance and appeals shall be handled by this municipality.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-73. Adoption of code.**

The Wisconsin Uniform Dwelling Code, Chs. SPS 320—325, and its successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this chapter.

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 360—366	Wisconsin Commercial Building Code
Chs. SPS 375—379	Buildings Constructed Prior to 1914 Code
Ch. SPS 316	Electrical
Chs. SPS 381—387	Plumbing
Ch. SPS 327	Camping Units per SPS 327.09(1)(a)2

(Ord. No. 2020-01, 3-4-2020; Ord. No. 2021-01, 6-2-2021)

**Secs. 10-74—10-104. Reserved.**

**ARTICLE IV. BUILDING PERMITS**

**Sec. 10-105. Required.**

No person shall build or cause to be built any new one or two-family dwelling or commercial building, or any addition or alteration to an existing one or two-family dwelling, commercial building or swimming pool without

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first obtaining a building permit for such dwelling, structure, accessory, fireplace, wood burning stove, shed, deck, or outbuilding, commercial building, etc., as determined by the building inspector.

No person shall build or cause to be built any new public building/place of employment or make alterations to any existing public building or place of employment without first obtaining a commercial building permit from the Building Inspector. This permit shall be issued after receipt of State of Wisconsin approved plans, where required, and sanitary permits, if applicable, and a determination has been made of compliance with zoning, setbacks, ordinances, and regulations within the Town of Somerset and St. Croix County.

(Ord. No. 2020-01, 3-4-2020)

### **Sec. 10-106. Requirements for issuance.**

- (a) No person shall be issued or reissued a building permit until the appropriate fee has been paid.
- (b) No person who has failed to properly and fully complete and submit to the building inspector the application form developed and provided by the town shall be issued or reissued a building permit.
- (c) A building permit shall lapse and be void unless building permits are commenced within 6 months or if construction has not been completed within 12 months of the date of issuance thereof, notwithstanding work pursuant to SPS 316 which shall expire within 1 year of the date if the work has not been commenced. All work to be done pursuant to a commercial building permit must be completed within 24 months of the date of issuance. Per SPS 320, new dwelling permits shall expire 24 months after issuance if the dwelling exterior has not been completed.
- (d) Permits for new homes, commercial and projects over \$100,000.00 value are valid for 24 months and all other permits are valid for 12 months.
- (e) Any person feeling aggrieved by an order, or a determination of the building inspector may appeal from such order or determination to the board of appeals. Those procedures customarily used to effectuate an appeal to the board of appeals shall apply.
- (f) All residential structures shall have a minimum 4:12 pitch roof with minimum 12 inches (one foot) overhangs over at least 50 percent of the building.
- (g) No person shall be issued or reissued a building permit for 2 family or multi-family dwellings, commercial, sewerer sheds, or outbuildings in the town if the applicant for the building permit fails to obtain a sanitary permit from the St. Croix County Community Development office. Sanitary permits do not apply to some projects, such as decks or swimming pools.
- (h) No person shall be issued or reissued a building permit in the town if the applicant for the building permit fails to comply with the town or the county zoning ordinances.
- (i) Setbacks must be verified and the information page available in the office of the building inspector must be completed before a building permit is issued.
- (j) All residential structures shall have a minimum floor area of 960 square feet and be a minimum of 24 feet wide, excluding basements, attached garages, and seasonal porches.
- (k) Manufactured homes constructed prior to 1976 shall not be moved into the town.
- (l) If a manufactured home constructed prior to 1976 ceases to be used for whatever reason, it shall be used for no other purpose. If it was legally connected to a sanitary system and electrical power, the sanitary system shall be abandoned, and the abandonment verified by county. The electrical service shall be disconnected

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and the abandonment verified by the town building inspector. The removal of the manufactured home shall be in a timeframe set by the town board.

- (l) A full UDC code compliant basement shall be required. If a residential structure is constructed on a UDC engineered slab, the structure shall be directly connected to and built from the engineered slab (permanently attached).
- (m) The time limit for issuance of complete applications submitted for a building permit shall be those stated in the Wisconsin State Code.
- (n) The Building Permit and other permits required by the Town, County, or State shall be posted in a conspicuous place at the building site and within view of the adjacent roadway.
- (o) Please reference the Town Resolution regarding Building Permit Requirements for swimming pools.

(Ord. No. 2020-01, 3-4-2020; Ord. No. 2021-01, 6-2-2021)

### **Sec. 10-107. Exempt from building permits.**

- (a) Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$2,000.00 (in a 12-month period) and does not change occupancy, area, structural strength, fire protection, exits, natural light or ventilation. The UDC Building Inspector may authorize minor repairs or alterations without a permit that do not change the occupancy, use, area, structural strength, room arrangement, fire protection, access to or efficiency of any existing stairways or exits, light or ventilation of the building.
- (b) The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to building or structure.
- (c) Fences or other similar enclosures.
- (d) Re-roofing projects that do not involve the repair or replacement of any structural elements including sheeting.
- (e) Outbuildings (including structures less than 120 square feet-meaning any structure larger than 120 square feet will require a building permit) without a foundation or slab.
- (f) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector on a case-by-case basis.
- (g) Residing, finishing of interior surfaces and installation of cabinetry.
- (h) Replacement of same-sized windows and doors. If opening is changed or altered, a building permit would be required.
- (i) No exemption from other statutory requirements.

(a) The issuance of a building permit pursuant to this ordinance does not exempt the applicant from the requirement to obtain any other permits including, without limitation:

1. Obtaining any other ordinance that may be required by State law or local ordinance
2. County sanitary permits
3. Town, county, or state driveway permits
4. County land use permits
5. Sign permits

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6. Permits required by the United States Army Corps of Engineers, National Park Service, or similar entity  
(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-108. Permit fee.**

The building permit fees shall be as provided in the Building Inspector's fee schedule.  
(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-109. Road damage security deposit.**

All applicants for building permits of new home construction or new commercial construction shall be required to post a \$2,500.00 damage deposit to protect the town from road damage caused by the contemplated construction. If road damage occurs during construction or if there is a violation to road weight limit posting, the expense of the road repairs or violation of the weight limit posting shall be deducted from the damage deposit; any balance will be refunded. If the damage deposit is not sufficient to pay for road damages caused by construction or weight limit violation, the property owner shall be liable to the town for the excess, which shall be a lien on the owner's property, collectable in the manner provided by law.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-110. Occupancy permits.**

The Town of Somerset Building Inspector shall issue occupancy permits. All applicants of a new home, Occupied commercial building, shall be required to post a \$2,500, or whatever price the board deems appropriate, occupancy bond prior to the issuance of the building permit. No occupancy or storage of items until Building Inspector has issued Certificate of Occupancy and construction has passed final inspection. If occupancy or storage of items by the resident is done prior to final inspection and/or certificate of occupancy, the occupancy bond will be forfeited in its entirety. If applicant does not violate the occupancy guidelines, the entire bond will be refunded upon written notice from the Building Inspector's office. If the Building Permit expires prior to completion of the final project, and no extension has been applied for, the amount of \$1,000 shall be forfeited to the Town as a penalty.

- (1) All inspections shall have been satisfactorily completed, all required fees shall have been paid and all required terms of this building code shall have been met before an occupancy permit will be issued.
- (2) No 2 family or multi family dwelling, shed, outbuilding, or detached garage. may be occupied by any person or party until an occupancy permit has been issued. Garden-type sheds are exempt from the occupancy permit requirement.
- (3) A penalty will be charged if a dwelling is occupied prior to issuance of an occupancy permit.
- (4) The town requires an occupancy permit deposit which will be returned/refunded to the person/company once the person/company has fully complied with the code. If the person/company has not complied with the code and the occupancy permit the deposit will be forfeited. Verbal approvals or instructions or any assumptions regarding.
- (5) A temporary occupancy permit obtained through St. Croix County Community Development and presented to the Town's Building Inspector and Town Board which allows the applicant to use a temporary occupancy of a shed, garage, outbuilding, camper, or RV during construction of a new home would be permissible for up to one year, extended upon approval from St. Croix County. Applicants wishing to seek a temporary occupancy permit must have first obtained and been issued a new home

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building permit from the building inspector prior to applying for temporary occupancy from St. Croix County.

(Ord. No. 2020-01, 3-4-2020)

### **Sec. 10-111 Non-Occupancy Permits.**

The Town of Somerset Building Inspector shall complete final inspections for all non-occupancy building permits. All applicants of an unoccupied, commercial building, outbuilding, shed, or detached garage (excluding garden-type sheds) shall be required to post a \$1,000 Final Inspection bond, prior to the issuance of the building permit. If applicant does not violate the guidelines, the entire bond will be refunded upon written notice of completion of the final inspection from the Building Inspector's office. If the Building Permit expires prior to completion of the final project, and no extension has been applied for, the amount of \$1,000 shall be forfeited to the Town.

- (1) All inspections shall have been satisfactorily completed, all required fees shall have been paid and all required terms of this building code shall have been met before approval of the final inspection.

### **Sec. 10-112. Penalties.**

- (a) The enforcement of this article and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. A Building Inspector has the authority to issue a stop Work Order. Forfeitures shall be not less than \$50.00 nor more than \$1,000.00 for each day of noncompliance.
- (b) A penalty fee shall be assessed for any construction started without a building permit. The forfeiture shall be twice the building permit fee for noncompliance.

(Ord. No. 2020-01, 3-4-2020)

### **Sec. 10-113. Right of Entry.**

Upon reasonable notice to the property owner, the Building Inspector 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 access of the premises, to the building inspector while in performance of his or her inspection duties.

### **Sec. 10-114. Variances.**

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board. The procedures customarily used to effectuate an appeal to the Town Board will apply. If a variance is granted, the individual will need to provide a clear and concise written statement of the specific provisions of the code for which a variance is requested, together with a statement of the procedures and materials to be used if the variance is granted. There is a fee for processing the application as set

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by the Town Board in the fee schedule. The Town Board shall transmit its decision regarding the variance in the Official Meeting Minutes and inform the applicant of their decision in writing.

- (a) The Building Inspector shall review the application and forward written recommendations and reasons to the Town Board. The Town Board will then hear the variance application. No appeal shall be granted by the Town Board unless it finds that all of the following facts and conditions exist and indicates so in the minutes of its proceedings:
- (1) No variance will be granted that is not consistent with this chapter.
  - (2) The applicant must state the reasons why compliance with the code cannot be attained without the variance. There must be exceptional, extraordinary, or unusual circumstances or conditions present showing that compliance with the code cannot be attained without the variance so that the granting of the variance will not be so general or recurrent in nature as to suggest that the chapter should be changed.
  - (3) No Variance shall be granted solely on the basis of economic gain or loss. Self-created hardships shall not be considered as grounds for the granting of any variance.
  - (4) No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter of the public safety and interest.

**Secs. 10-115—10-131. Reserved.**

## ***ARTICLE V. MOVING BUILDINGS***

### **Sec. 10-132. Moving Permit Required.**

- (a) No person shall move any building within or into the town onto subdivided land without a permit from the town board, upon 30 days prior application, designating:
- (1) The roads and highways along which the building is proposed to be moved;
  - (2) The date upon which work is to commence in moving the building;
  - (3) A description of the building including:
    - a. Its present location;
    - b. Photographs of the building showing all facades of the structure;
    - c. A site plan drawn to scale showing the proposed location of the building; and
    - d. Its relationship to existing housing on adjoining lots;
  - (4) The name and address of the owner of the building; and
  - (5) The name and address of the person who is performing the work.

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- (b) Mobile homes being moved into authorized, licensed mobile home parks are excluded from the terms of this article.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-133. Issuance of Permits During Special Road Weight Restriction Period Prohibited.**

Permits for building moving shall not be issued during periods of special road weight restrictions, except for small structures posing no public hazard specifically approved by the building inspector.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-134. Consideration of Application.**

Upon receipt of an application for a moving permit, the town board shall request that the parks and recreation/plan commission hear the application at their next regularly scheduled meeting. The parks and recreation/plan commission will hear the applicant for the moving permit and the owner of the lot to which the building is proposed to be moved, along with other neighboring residents or property owners who will be given notice of the hearing, as the parks and recreation/plan commission may deem sufficient. The parks and recreation/plan commission shall base its findings on section 10-135. On the close of the hearing, the parks and recreation/plan commission shall transmit its advice in writing to the town clerk who shall send a copy of the findings to the town board.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-135. Restriction on Issuance of Permits.**

No permit shall be issued unless it is found by a majority vote of the parks and recreation/plan commission that the exterior architectural and functional plan of the building to be moved will not be at variance with the exterior architectural and functional plan of the buildings already constructed in the immediate neighborhood. No permits shall be issued for residential structures of less than 960 square feet, exclusive of basement. No permits shall be issued for the moving of garage and/or storage structures unless a residential dwelling, suitable for habitation, already exists on the property.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-136. Alteration of Building.**

Should the applicant propose to alter the exterior of the building, after it has been moved, he shall submit with his application complete plans and specifications for the proposed alterations. The town board shall then designate a time within which the alterations must be completed, and failure to do so shall constitute a violation of this article with each day the alteration remains uncompleted a separate violation.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-137. Building Permit a Requisite.**

Upon approval of the moving permit, the applicant must apply for, and receive, a building permit from the town board before the building can be moved within or into the town. Failure to apply for and receive a building permit shall constitute a violation of this article with each day of noncompliance a separate violation.



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**Sec. 10-138. Permit Fees.**

Fees for permits issued pursuant to this article shall be in the amount provided in the town fee schedule at the time of application. No hearing before the parks and recreation/plan commission will be held without evidence that the permit fee has been paid.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-139. Damage Deposit.**

- (a) Before a permit is issued to move any building into or within the town, the applicant shall give a bond to the town in an amount to be set by the town board, which shall not be less than \$5,000.00 to be executed by a corporate surety. This bond shall be for indemnification to the town for any costs or expenses incurred by it in connection with any claims for damages to persons or property, and the payment for any expenses incurred by the town in connection with costs arising for the removal of the building for which the permit was issued.
- (b) The damage deposit will not be returned until the structure being moved is correctly sited on a foundation that satisfies town and county ordinances and has been inspected by the town building inspector to ascertain whether the foundation and structure satisfies the current Uniform Dwelling Code and all other applicable town and county ordinances. The building inspector shall convey a judgment of approval or disapproval by letter to the town board within five days after inspection.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-140. Insurance.**

The town board shall require, in addition to the bond indicated in section 10-139, that the contractor doing the moving offer proof of public liability insurance covering injury to one person in the sum of not less than \$150,000.00, and for one accident in the sum of not less than \$300,000.00 together with property damage insurance in the sum of not less than \$100,000.00, or such other coverage as deemed necessary.

(Ord. No. 2020-01, 3-4-2020)

**Sec. 10-141. Exceptions.**

There shall be no exceptions to this article unless amended by action of the town board.

(Ord. No. 2020-01, 3-4-2020)