

ORDINANCE NO. 10-17 (2016)

TOWN OF FARMINGTON

AN ORDINANCE REPEALING AND RECREATING THE BUILDING CODE FOR  
THE TOWN OF FARMINGTON, WAUPACA COUNTY, WISCONSIN

The Town Board of the Town of Farmington does hereby ordain as follows:

Ordinance No. 1-593 (1993) is hereby repealed and recreated to read as follows:

**Section 1. TITLE.** This ordinance shall be known as the "Building Code of the Town of Farmington" and will be referred to in this ordinance as "this code."

**Section 2. PURPOSE.** This code provides certain minimal 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.

**Section 3. SCOPE.** New buildings hereafter erected in, or any building hereafter moved within or into, the Town shall conform to all the requirements of this building code except as they are herein specifically exempted from part or all of its provisions. Any alternation, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a new building to the extent of such change. Any existing building shall be considered a new building for the purpose of this building code whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this building code was enacted. The provisions of this building code supplement the laws of the state pertaining to the construction and use and the county zoning ordinance, and amendments thereto to this date and in no way supersede or nullify such laws and ordinances.

**Section 4. BUILDING INSPECTORS.** (1) APPOINTMENT AND GENERAL POWERS. The Town Board shall appoint a building inspector or building inspectors who shall have the powers to enforce the provisions of this ordinance and all other ordinances, laws and orders of the State of Wisconsin which relate to building construction and plumbing, electrical and heating installations and for these purposes may at any reasonable time enter buildings and premises. The building inspector or inspectors may pass upon any question arising under the provisions of this ordinance relating to buildings, subject to the conditions contained in this ordinance. No person shall interfere with said inspectors while in the performance of the duties prescribed herein. Any person feeling himself aggrieved by any order or ruling of the building inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Town Board, such an appeal shall be in writing.

(2) QUALIFICATIONS. (a) The building inspector or inspectors shall have the necessary qualifications and experience required to supervise the general construction of buildings. (b) The inspector who shall inspect homes covered by the State of Wisconsin Uniform Dwelling Code, Chapters SPS 320 to 325 shall be certified by the appropriate division of the Department of Safety and Professional Services to administer and enforce all of the provisions of said code.

(3) PRODUCING PERMITS. Any appointed building inspector may require the production of the permit for any building, electrical or plumbing work.

**Section 5. BUILDING PERMITS AND INSPECTION.** (1) PERMIT REQUIRED. No building of any kind shall be moved into or within the Town of Farmington, and no building or structure or any part thereof shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished or used within the Town of Farmington, except as herein provided, until a permit therefore shall have first been obtained by the owner, or his authorized agent, from the building inspector having enforcement responsibility.

(2) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the building inspector 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 shall be located, the name and address of the builder, the use to which said building is to be put, and shall contain such other information as the building inspector shall require.

(3) PLANS. With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code Chapters SPS 361 – 366 shall bear the stamp of approval of the Department of Safety and Professional Services. Such plans and specifications shall be submitted in duplicate; one set shall be returned after approval as herein provided, and the other shall remain on file in the office of the building inspector.

(4) WAIVER OF PLANS. If the building inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alteration, repairs, remodeling or moving.

(5) APPROVAL OF PLANS. If the building inspector determines that the building will comply in every respect with all ordinances of the Town of Farmington and all applicable ordinances and orders of the County of Waupaca and laws and orders of the State of Wisconsin, he shall officially approve and stamp on a set of the plans and return it to the owner, and shall issue a building permit therefor which shall state the use to which said building is to be put. The permit 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. In case adequate plans are presented for part of the building only, the building inspector, at his discretion, may issue a permit for that part of the building before receiving plans and specifications for the entire building.

(6) **PERMIT FEES.** The fees for all building permits shall be set by the Town Board and reviewed on an annual basis. In the event that work is commenced prior to the issuance of a permit or permission to start is granted by the building inspector, the normal permit fee shall be doubled.

(7) **INSPECTION PROCEDURE.** The builder or owner shall notify the building inspector involved with the project and the building inspector may inspect all buildings upon completion of the forms for the footing, prior to back-filling, prior to insulating, prior to sheet-rocking or paneling or prior to occupancy whichever situation applies to the permit that was issued.

**Section 6. PRIVIES, PRIVY VAULTS, SEPTIC SYSTEMS, ETC. (1) PERMITS.** No privy, privy vault, chemical, septic or dry closet system shall be constructed or installed within the Town of Farmington unless a permit is first obtained from the Waupaca County Zoning Department.

(2) **REQUIREMENTS.** No outdoor privy shall hereafter be erected or maintained where a public or private sewage system is available. Where such system is not available, privy and privy vault construction shall conform to the requirements of this code as well as all applicable county and state regulations.

(3) **LOCATION.** No privy with or without a leaching pit or other container shall be erected or maintained within fifty (50) feet of any well, cistern well, spring, watercourse, lake or other source of water supply used for drinking or domestic purposes; ten (10) feet of any line or any thoroughfare, or of a property line between premises, or twenty (20) feet of any door or window of any building. Privies shall be located on ground that is well drained and where there is no possibility of contaminating any drinking water supply.

**Section 7. ELECTRICAL, PLUMBING AND HVAC CODES. (1) STATE CODES APPLY.** All electrical, plumbing and HVAC work shall conform to the applicable chapter of the State of Wisconsin Administrative Code. A copy of said codes shall be kept on file in the offices of the Town Building Inspectors and the Town Clerk. The provisions of this section are intended to specifically include, in addition to all buildings, all agricultural outbuildings.

**Section 8. ISSUANCE AND REVOCATION OR PERMITS. (1) PAYMENT OF FEES.** All fees shall be paid to the building inspector issuing the permit prior to commencing any work. The building inspectors shall remit all collected fees to the Town Treasurer on a monthly basis. The building inspectors shall keep a log of all permits issued and submit an annual report to the Town Board.

(2) **PERMIT LAPSES.** A building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed or if the interior has not been approved for occupancy.

(3) If the building inspector who issued the permit shall find at any time that applicable ordinances, laws, orders, plans or specifications are not being complied with, and that

the holder of the permit after written notification has been issued to him has failed to comply, he shall revoke the permit issued by written notice to the owner and by posting such notice on the site of the work.

(4) It shall be the duty of all law enforcement officers and town officials to report at once to the building inspector any building, plumbing or electrical work that is being carried on without a permit as required by this ordinance.

**Section 9. (1) HEALTH AND SANITATION PROVISIONS.** No building not previously used for residential, commercial or industrial purposes shall hereafter be used for such purposes without first obtaining a land use permit from the Waupaca County Zoning Department and a building permit from the Town building inspector stating that the water supply and plumbing facilities contained therein or adjacent thereto are reasonably adequate to safeguard the health and welfare of the occupants and that the installation thereof complies with the provisions of this ordinance and all other applicable laws and ordinances. No changes in the water or plumbing facilities of any existing building, whether in the form of addition, alteration or discontinuance thereof, which may affect the adequacy of such facilities from a standpoint of health and sanitation, shall be made without first obtaining a similar land use permit. No changes in the use or occupancy of existing buildings for dwelling, commercial or industrial purposes, the effect of which change is to increase substantially the amount or use or the number of persons using existing water and plumbing facilities, shall be permitted without first obtaining a land use permit stating that the existing facilities are adequate to take care of the increased demand and to safeguard the health and welfare of the users.

**Section 10. UNSAFE BUILDINGS.** (1) Whenever the building inspector, whose responsibility is to issue building permits, finds any building or part thereof within the Town of Farmington to be in his judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it will be unreasonable to repair the same, at the request of the Town Chairman or Town Board, he shall order the owner to raze and remove said building. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in §66.0413, Wisconsin Statutes.

(2) When the public safety requires immediate action, the Building Inspector shall enter upon the property with such assistance as is necessary and shall cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the Town in an action against the owner or tenant.

**Section 11. MOVING BUILDINGS.** (1) **BOND REQUIRED.** Before any building is moved within or into the Town, a permit must first be obtained from the Building Inspector. Before a permit to move any building is granted by the Building Inspector, the party applying therefor shall give a bond in the sum of Ten Thousand (\$10,000.00) Dollars with good and sufficient sureties to be approved by the Town Attorney conditioned, among other things, that said party will pay any judgments, costs and expenses which may in any way accrue against the Town and will hold the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting of such permit.

(2) CONTENTS OF PERMIT. Every permit to move a building shall state all conditions to be complied with, designate the route to be taken, and limit the time for removal. The removal of the building shall be continuous during all hours of the day, and day by day, and at night if the Building Inspector shall so order, until completed, with the least possible obstructions to thoroughfares. Lighted lanterns shall be kept in conspicuous places at the end of each building during the night.

(3) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every person receiving a permit to move a building shall, within one (1) day after reaching its destination, report that to the Building Inspector. The Building Inspector shall thereupon inspect the streets or highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good of repair as they were prior to the permit being issued. Upon failure of the house mover to do so within ten (10) days thereafter to the satisfaction of the Building Inspector, the Town Board shall have the damage done to such streets and highways repaired and shall hold the sureties of the bond given by the house mover responsible for the payment of the same.

(4) PERMIT FEES. Before the Building Inspector shall issue a permit to move a building, he shall collect a fee. This fee shall be in addition to any other fee required by this code. The amount of the fee shall be established by the Town Board.

**Section 12. ADOPTION AND APPLICATION OF STATE CODES.** (1) STATE CODES ADOPTED. (a) Wisconsin Administrative Code Chapter SPS 361-366 are hereby adopted by reference and made part of this code with respect to those classes of buildings to which those chapters specifically apply. Any future amendments, revisions and modifications of said chapters incorporated herein are intended to be made part of this code. A copy of said Chapters SPS 361-366 and amendments thereto shall be kept on file in the office of the Building Inspector.

(b) Wisconsin Uniform Dwelling Code, Chs. SPS 320-325 and its successors and all amendments thereto are hereby adopted by reference and made a part of this code and shall apply to all buildings and all additions, remodeling or alterations to existing buildings.

(2) APPLICATION OF STATE CODES. Wisconsin Administrative Code Chapters SPS 320-325, the State Electrical Code, the State Plumbing Code and the State Flammable and Combustible Liquids Code, SPS 310 are hereby adopted by reference and the Building Inspector or Inspectors shall enforce the provisions thereof. Any violation of said Codes or amendments thereto shall constitute a violation of this Code, whether or not the unlawful building alteration, installation, moving or construction involved are specifically covered by other provisions of this code, and shall render the violator liable to the penalties contained herein.

**Section 13. NONASSUMPTION OF LIABILITY.** This ordinance shall not be considered as assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment, or in any plumbing, electrical or heating equipment.


**Section 14. PENALTIES AND VIOLATIONS.** Any building or structure hereafter erected, enlarged, altered, remodeled, repaired or moved, or any use hereafter established, in violation of the provisions of this ordinance shall be deemed an unlawful building, structure or use. The Building Inspector shall report all such violations to the Town's Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, remodeling, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed. Such person, firm or corporation may also be required, upon conviction, to forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, together with the cost of prosecution, and in default of the payment of such forfeiture and costs of prosecution, shall be imprisoned in the Waupaca County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days. Each day that a violation continues to exist shall constitute a separate offense. 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 constitute a defense.

**SECTION 15.** This Ordinance shall take effect on and upon passage and publication according to law.

Approved: October 17, 2016.

TOWN OF FARMINGTON

by:   
Chairman

by:   
Supervisor

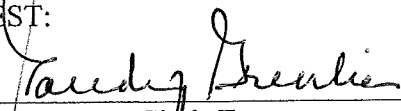
by:   
Supervisor

Adopted: October 17, 2016.

Approved: October 17, 2016.

Published: October 27, 2016.

ATTEST:

  
Clerk-Treasurer