

**TOWN OF CLAYTON  
WINNEBAGO COUNTY, WISCONSIN**

**ORDINANCE NO. 2025-001  
AN ORDINANCE AMENDING THE TOWN ORDINANCE ADOPTING  
DWELLING AND BUILDING CODES AND CREATING  
THE POSITION OF BUILDING INSPECTOR**

The Town Board of Clayton, County of Winnebago, State of Wisconsin, does ordain as follows:

**SECTION 7.0:** § 7.0 of the Town of Clayton Ordinances is hereby amended to read as follows:

**Section 1.0 INTRODUCTION**

**1.1 Authority.** This ordinance is adopted under the authority granted by Wis. Stats. §101.65.

**1.2 Purpose.** The purpose of this ordinance is to protect the public health, safety, and welfare of the citizens of the Town of Clayton through proper inspection of buildings and structures that are constructed and maintained within the Town of Clayton, and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code, International Building Code and the National Electric Code.

**1.3 Scope.** This ordinance shall apply to new buildings or structures and additions or alterations hereafter erected or undertaken in the Town of Clayton.

**1.4 Interpretation.** The provisions of this code shall supplement any laws and regulations of the State of Wisconsin and orders, rules and regulations of the Department of Commerce relating to buildings. Where the requirements of the state code, the orders, rules and regulations of the Department and the provisions of the code conflict, the stricter requirements shall govern.

**1.5 Legal responsibility.** The Town of Clayton shall not assume legal responsibility for the design, construction or modification of any building or structure.

**Section 2.0 GENERAL PROVISIONS**

**2.1 Adoption of Administrative Code Provisions.**

- A. The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal administration and enforcement by the Building Inspector: SPS 302.31, Plan Review Fee Schedule; Chapter SPS 305, Credentials; Chapter SPS 316, Electrical Code; Chapters SPS 320 through 325, Uniform Dwelling Code; Chapter SPS 327, Camping Units; Chapters SPS 361 through 366, Commercial Building Code; Chapters SPS 375 through 379, Buildings Constructed Prior to 1914; and Chapters 381 through 387, Uniform Plumbing Code. The International Building Code and the National Electric Code, and all amendments thereto, are adopted and incorporated by reference and shall apply as appropriate to all buildings within the scope of this ordinance.
- B. All buildings except one and two-family dwelling units must satisfy the requirements of the Wisconsin Administrative Code Chapters SPS 361 through SPS 366 (Commercial Building Code).
- C. For the purposes of this section, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

1. Basement renovations for homes built prior to June 1, 1980 that have a ceiling height on average of less than seven feet may be issued a building permit for improvements to a finished ceiling height of not less than six feet eight inches for a minimum of 50% of the floor area.
2. Detached accessory buildings 150 square feet or more in size.
  - a. Grade-beam slabs are required for detached accessory buildings 150 square feet or more in size with a continuous floating slab of reinforced concrete. Slab shall not be more than four inches in thickness. Reinforcement shall be a minimum of six by six, number ten wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, 12 inches wide and 12 inches below the top of the slab. A granular base of at least four inches in thickness shall be installed below the slab.
  - b. The requirements of § 2.1-C (2) (a) shall apply to all detached accessory building concrete slabs constructed after the effective date of this section.

**2.2 Building Inspector.** There is hereby created the position of Building Inspector who shall administer and enforce this ordinance and shall be certified by the Division of Safety and Buildings as specified by Section 101.66(2), Wisconsin Statutes, in the category of Uniform Dwelling Code Construction Inspector. Additionally, the Building Inspector shall possess some combination of certification in the categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

**2.3 Appointment.** The Town Board shall appoint the Building Inspector at the recommendation of the Town Administrator.

**2.4 Records.** The Building Inspector shall keep a record of all applications for building permits. The Building Inspector shall mark all building permits in the order of their issuance.

**2.5 Inspections.** The Building Inspector may at all reasonable times enter upon any public or private premises for inspection purposes. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Inspections shall be conducted in accordance with Section SPS 320.10 as set forth below.

**2.6 Required Inspections.** Inspections shall be conducted to ascertain whether or not the construction or installations conform to the conditionally approved plans, the Wisconsin building permit application and the provisions of the code and shall notify the permit holder and the owner of any violations to be corrected.

(a) *Inspection notice.* The applicant or an authorized representative shall, in writing or orally, request inspections of the Building Inspector. The Building Inspector shall perform the requested inspection within 2 business days after notification. Construction shall not proceed beyond the point of inspection until the inspection has been completed. Construction may proceed if the inspection has not taken place within 2 business days of the notification except if otherwise agreed between the applicant and the Building Inspector.

(b) *Inspection types.* The following sequence of inspections shall be performed for the purpose of determining if the work complies with the code:

1. **Footing and Foundation inspection.** The excavation shall be inspected after the placement of forms, shoring and reinforcement, where required, and prior to the placement of footing materials. Where below-grade drain tiles, waterproofing or exterior insulation are required, the foundation shall be inspected prior to backfilling.

2. **Rough inspection.** A rough inspection shall be performed for each inspection category listed in subd. 2. a. through e. after the rough work is constructed but before it is concealed. All categories of work for rough inspections may be completed before the notice for inspection is provided. The applicant may request one rough inspection or individual rough inspections.
  - a. General construction, including framing.
  - b. Rough electrical.
  - c. Rough Plumbing
  - d. Rough heating, ventilating, and air conditioning.
  - e. Basement drain tiles.
3. **Insulation inspection.** An inspection shall be made of the insulation and vapor retarder after they are installed but before they are concealed.
4. **Final Inspection.** The dwelling may not be occupied until a final inspection has been made which finds that no violations of the code exist that could reasonably be expected to affect the health and safety of the occupant.
  - a. The basement portion of the dwelling may not be occupied prior to completion of the dwelling, but only if the basement portion to be occupied would otherwise comply with the provisions of the code, particularly those relating to construction of underground dwellings.

*(c) Notice of compliance and noncompliance.*

1. **General.** Notice of compliance or noncompliance with the code shall be written on the building permit and posted at the job site. Upon finding of noncompliance, the Building Inspector shall also notify the applicant of record and the owner, in writing, of the violations to be corrected. Except as specified in subd. 2, the Building Inspector shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under Section SPS 320.21.

**2.7 Voluntary Inspections.** The Building Inspector may, at the request of the owner or the lawful occupant, enter and inspect dwellings, subject to the provisions of the code, to ascertain compliance with the code.

## **Section 3.0 BUILDING PERMITS**

**3.1 Building Permit Required.** No person shall alter, in excess of \$1,000.00 value in any twelve-month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that require extensions shall require permits.

**3.2 Exemptions.** Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempt from building permit requirements. Finishing of interior surfaces shall be exempted from permit requirements.

**3.3 Submission of plans.** The applicant shall submit two copies of plans at the time of filing the building permit.

**3.4 Lapse of Building Permit.** The building permit shall expire two years after issuance if the dwelling's exterior has not been completed.

**3.5 Permit Fees.** Building permit fees shall be determined by resolution of the Town Board and shall be paid at the time of building permit application.

**3.6 Suspension or Revocation.** The Town may suspend or revoke any building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the Building Inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.

## **Section 4.0 CERTIFICATE OF OCCUPANCY**

**4.1** No person, firm, business, association partnership, company or other entity shall occupy or use any buildings or structures erected within the Town until a certificate of occupancy certifying as to its safety for human habitation, use or occupancy has been issued by the Building Inspector.

**4.2** A certificate of occupancy is required to better ensure that a building or structure will not be occupied prior to compliance with all applicable codes, laws, regulations and ordinances and that the project is completed as per the plans submitted with the building permit application.

**4.3** Application for a certificate of occupancy shall be concurrent with the application for a building permit. Payment of the building permit fee does not constitute approval for an occupancy permit.

**4.4** No certificate of occupancy shall be granted nor shall any permit escrow money be returned until the project is completed as per the plans submitted with the building permit application.

**4.5** The exterior items that shall be completed before occupancy include, but are not limited to, exterior wall finishes, exterior wall penetrations sealed; weathertight roofing, soffit, fascia, any porch exterior and/or stoops shown on the plan, and the yard shall have the rough grade pitched away from the building.

**4.6** No certificate of occupancy shall be granted until the structure is connected to the approved sanitary sewer system, if applicable.

## **Section 5.0 OCCUPANCY INSPECTIONS**

**5.1** The Building Inspector shall cause the building(s) or structure(s) for which a building permit has been issued to be completely and thoroughly inspected, including its structural, non-structural, electrical, plumbing, life safety, mechanical and other components before an occupancy permit is issued. Inspections and approvals for the issuance of an occupancy permit shall include, in addition thereto, such systems as are required by the State of Wisconsin and Winnebago County before such occupancy permit is issued.

## **Section 6.0 VIOLATIONS, PENALTIES AND APPEALS**

**6.1 Violations.** No person shall construct or alter any building in violation of any of the provisions of this ordinance or the code.

**6.2 Injunctive relief.** When violations occur, the Town Board may bring legal action to enjoin any violations.

**6.3 Penalties.** Any person in violation of this ordinance or the code shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense.

**4.4 Appeals.** Appeals of any order or determination made under this ordinance, including denials of building permit applications, shall be made in accordance with the procedures set

forth in Chapter 68, Wisconsin Statutes. Appeal of any final determination made by the Town shall be made to the Wisconsin Department of Commerce after the procedures of Ch. 68 have been exhausted. All appeals to the Department shall be in writing stating the reason for the appeal. All appeals shall be filed with the Department within 10 business days of the date the final determination is rendered by the Town under Chapter 68 Sec. 5.0: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Adopted this \_\_\_\_\_ day of January, 2025.

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Russell D. Geise, Town Chair

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ATTEST: Kelsey Faust-Kubale, Town Clerk