

ORDINANCE No. 2024-O04

AN ORDINANCE AMENDING 14.04.010 TO ADOPT THE STATE OF WISCONSIN UNIFORM DWELLING CODE

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

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1.1 **AUTHORITY.** These regulations are adopted under the authority granted by Wis. Stat. §101.65.

1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

1.3 **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, and camping units as defined in Wis. Admin. Code § 327.08(9).

Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under Wis. Admin. Code §§ SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per Wis. Admin. Code § SPS 320.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned.

Notwithstanding Wis. Admin. Code § SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of [detached garages] [accessory buildings] serving one- and two-family dwellings. The building

structure and any heating, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be handled by this municipality.

1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED. The Wisconsin Uniform Dwelling Code, §§ SPS 320-325 and § SPS 327, and their successors, of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

1.5 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 Industry Services, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

1.6 BUILDING PERMIT REQUIRED. If a person alters a building in any twelve-month period, or builds or installs a new building, within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be included in permit requirements.

1.7 BUILDING PERMIT FEE. The building permit fees shall be determined by resolution and shall include the applicable fee per Wis. Admin. Code § SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Admin. Code § SPS 327.09 and inspection fees as outlined within Wis. Admin. Code § 327.10(3) will also be included in this resolution.

1.8 PENALTIES. The enforcement of this section 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. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

1.9 EFFECTIVE DATE. This ordinance shall be effective _____, upon passage and publication as provided by law.

1.10 The municipality shall keep a record of all inspections completed and retain such records, in accordance with Wis. Admin. Code § SPS 320.10(6). File UDC permits with the Wisconsin Department of Safety and Professional Services in accordance with Wis. Admin. Code § SPS 320.09(2)(a)2.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES: _____

NOES: _____

ABSENT: _____

ADOPTED: _____, 2024

John Weidl, City Manager

Heather Boehm, City Clerk