

SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 17: BUILDING CODE**SUBCHAPTER 1: GENERAL PROVISIONS****17.100 TITLE**

This chapter shall be known as the "Town of Lyndon Building Code" or the "Building Code," except as referred to herein, where it shall be known as "this Chapter."

17.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by §60.61(1m) Wis. Stats. and the Wisconsin Administrative Code (*see generally*, COMM 20.02 et seq).

17.102 PURPOSE

The purposes of this Code are as follows:

- (1) To exercise jurisdiction over the construction and inspection of new 1 and 2-family dwellings;
- (2) To exercise jurisdiction over the construction and inspection of additions to 1 and 2-family dwellings;
- (3) To establish a permit procedure to monitor, for tax assessment purposes, the construction, extension, removal, alteration and repair of all buildings and structures within the Town;
- (4) To establish and collect fees to defray costs; and
- (5) To provide remedies and penalties for violations.

17.103 RE-ENACTMENT AND REPEAL

This Chapter, in part, carries forward by re-enactment some of the prior provisions of the Building Code adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such pre-existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter. All provisions of previous Building Code which are not re-enacted herein, are hereby repealed. However, the adoption of this Chapter shall not waive or adversely affect the Town's right to prosecute any violation of the predecessor Ordinance, provided the violation occurred while that Ordinance was in effect.

17.104 RESERVED FOR FUTURE USE**17.105 DEFINITIONS**

The definitions contained in Chapter Comm. of the Wisconsin Administrative Code are incorporated herein by reference, along with all amendments thereto and all definitions referred to therein. In addition, the following definitions shall apply to this Chapter:

Addition: In addition to the definition provided by Comm. 20.07(2), an "addition" shall include (but not be limited to) the construction of the following items:

1. Decks made of any material and elevated more than 2 feet.
2. Balconies.
3. Fireplaces

Alteration: See, Chapter COMM 20.07(4).

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State Building Code: Those sections of Chapter COMM of the Wisconsin Administrative Code which regulate building construction, specifically including, but not limited to, the UDC, the CBC, the Plumbing Code, and the Electrical Code.

Comm: Shall mean those chapters of the Wisconsin Administrative Code dedicated to the Wisconsin Department of Commerce.

Commercial Building Code (CBC): Those provisions of the Wisconsin Administrative Code contained in the following chapters, and any future amendments, revisions or modifications thereto, and any orders, rules and regulations issued by authority thereof:

Comm 60 -- Erosion control, sediment control and storm water management.

Comm 61 -- Administration and Enforcement

Comm 62 -- Buildings and Structures

Comm 63 -- Energy Conservation

Comm 64 -- Heating, Ventilating and Air Conditioning

Comm 65 -- Fuel gas appliances

Comm 66 -- Existing buildings

Detached Building: In addition to the definition provided by COMM 20.07(24), a "detached building" shall include (but not be limited to) the following:

1. Garages

2. Storage sheds which are secured to the real estate.

Department (DOC): The Wisconsin Department of Commerce.

Electrical Code: Those provisions of the Wisconsin Administrative Code, and any future amendments, revisions, or modifications thereto, contained in the following Chapters:

Comm 16 – Electrical

Comm 24 – Electrical Standards

Multiple-family Dwelling: Any building which contains three or more dwelling units.

Person: An individual, partnership, firm, corporation, or other legal entity.

Plumbing: (See, Section 145.01(10), Wis. Stats.)

Plumbing Code: The provisions of Chapter 145, Wis. Stats., and the provisions of the Wisconsin Administrative Code, and any future amendments, revisions, or modifications thereto, contained in the following Chapters:

Comm 25 – Plumbing

Comm 81 – Definitions and Standards

Comm 82 – Design, Construction, Installation, Supervision, Maintenance and Inspection of Plumbing

Comm 83 – Private on-site wastewater treatment systems

Comm 84 – Plumbing products

Comm 85 – Soil and site evaluations

Comm 86 – Boat and on-shore sewage facilities

Comm 87 – Private on-site wastewater treatment system replacement or rehabilitation financial assistance program

Uniform Dwelling Code (UDC): Those provisions of the Wisconsin Administrative Code contained in the following chapters, and any future amendments, revisions or modifications thereto, and any orders, rules and regulations issued by authority thereof:

Comm 20 -- Administrative and Enforcement

Comm 21 -- Construction Standards

Comm 22 -- Energy Conservation Standards

Comm 23 -- Heating, Ventilating and Air Conditioning

Comm 24 -- Electrical Standards

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Comm 25 -- Plumbing and Potable Water Standards
Comm 28 – Smoke Detectors

17.106 RESERVED FOR FUTURE USE**17.107 DISCLAIMER OF LIABILITY**

Nothing herein shall impose liability upon the Town for injuries or damages to any person or property arising out of the construction, movement, alteration, enlargement, repair, maintenance, demolition, or conversion of any building, structure, or addition subject to this Chapter. The Town does not assume any legal responsibility to owners or third parties for the design, construction, or safety of buildings, structures, additions or alterations subject to this Chapter. The inspections performed hereunder are intended to report conditions of noncompliance with Code standards that are readily apparent at the time of inspection and that are the responsibility of the applicant (or its contractors) to correct. The inspections do not involve a detailed examination of all aspects of construction, of mechanical systems, or of closed structural and non-structural elements of the building. No warranty, express or implied, regarding (i) safety or durability of the structure or materials, or (ii) fitness for use or operation of the structure or materials, or (iii) compliance with the Building Codes, is made by the Town or the Building Inspector through the administration and enforcement of this Chapter.

17.108 CONFLICTS

If, in the opinion of the Building Inspector, the provisions of the Codes adopted by this Chapter shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Chapter.

17.109 RELATED RULES AND REGULATIONS

The following is a list of other Ordinances and statutes which may be applicable to any building project.

- (1) **ZONING ORDINANCES:** Rules regarding the location, size and use of all structures are found in the Zoning Ordinance (Chapter 22), in the Juneau County Shoreland-Wetland Zoning Ordinance and in the Juneau County Floodplain Ordinance.
- (2) **HIGHWAYS:** Rules regarding the use of highways, or excavations or obstructions in highways, are found in the Public Works Ordinance (Chapter 15).
- (3) **DRIVEWAYS:** Rules regarding the location, design and construction of driveways are found in the Public Works Ordinance (Chapter 15).
- (4) **SUBDIVISIONS:** Rules regarding subdividing property are found in the Subdivision Ordinance (Chapter 20).
- (5) **RAZING DILAPIDATED STRUCTURES:** Rules regarding razing dilapidated structures are found in §66.0413 Wis. Stats.

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