

Chapter 12

BUILDING CODE

[HISTORY: Adopted by the Town Board of the Town of Linn 11-13-1995 (Ch. 12 of the 1995 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Subdivisions — See Ch. 11.

§ 12-1. Authority.

These regulations are adopted under the authority granted by Chs. 59, 60, 61, 62, 66 and 101, Wis. Stats.

§ 12-2. Purpose.

The purpose of this Building Code is to promote the health, safety and welfare of our municipality.

§ 12-3. Scope.

This Building Code applies to all dwellings, commercial buildings, swimming pools, garages and other outbuildings. Excepted are outbuildings used exclusively for agricultural purposes and children's play structures, dog kennels and storage sheds of less than 120 square feet in area.

§ 12-4. Permit required.

- A. Prior to commencing any of the following work, the owner or agent shall obtain a valid permit from the Town Building Inspector:
- (1) New buildings.
 - (2) Additions that increase the physical dimensions of a building, including decks.
 - (3) Alterations to the building structure costing, within a twelve-month period, over \$5,000, including market labor value, or alterations to the building's heating, electrical or plumbing system.
 - (4) Replacement of major building equipment, including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply system is altered.
 - (5) New public building containing less than 50,000 cubic feet in total volume or alteration of a public building involving less than 100,000 cubic feet in total volume.

- (6) All Ch. Comm 62, Wis. Adm. Code, occupancies and storage garages of less than 25,000 cubic feet.
- (7) All larger commercial buildings which must be state reviewed but locally inspected.
- (8) Moving buildings across, along or upon a public highway.
 - (a) Before a permit to move any building along, across or upon a public highway or across land not the property of the owner of the building is granted by the Building Inspector, the party applying therefor shall give a bond in the sum of \$1,000 with good and sufficient sureties to be approved by the Town Board, conditioned among other things that said party will save and indemnify judgment, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments and costs.
 - (b) Every permit to move a building shall designate the route to be taken and limit the time for removal. The removal of buildings shall be continuous all hours of the day and day by day and at night, if the Building Inspector and the Town Board order, until completion with the least possible obstruction to the thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.
 - (c) No bond shall be required for the moving of a building from one location to another on the same premises, but such an operation will require a permit.
- B. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, reroofing and finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.

§ 12-5. Adoption of codes.

The following Wisconsin Administrative Code chapters and subsequent revisions are adopted for municipal enforcement:

- A. Chapter Comm 16, Electrical Code.
- B. Chapters Comm 20 to 25, Uniform Dwelling Code.
- C. Chapter Comm 28, Smoke Detectors.
- D. Chapters Comm 60 to 65, Commercial Building Code.
- E. Chapter Comm 70, Historic Building Code.
- F. Chapters Comm 75 to 79, Existing Building Code.

G. Chapters Comm 81 to 87, Uniform Plumbing Code.

§ 12-6. Scope of Uniform Dwelling Code expanded.

For the purposes of this code, the scope of the Wisconsin Uniform Dwelling Code is revised to include:

- A. Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980.
- B. Detached garages serving one- and two-family dwellings.
- C. Residential sheds of over 120 square feet in area.

§ 12-7. Building Inspector.

- A. Creation and appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the Town. The Building Inspector shall be certified for inspection purposes by the state in the required categories specified under Ch. Comm 5, Wis. Adm. Code.
- B. Subordinates. The Building Inspector may appoint as necessary and by approval of the Town Board or Town Chairman, if necessary, subordinate inspectors. Any subordinate retained to inspect buildings shall be certified as necessary under Ch. Comm 5, Wis. Adm. Code, by the state.
- C. Duties. The Building Inspector shall administer and enforce all provisions of this chapter.
- D. Powers. 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 heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector while in the performance of his/her duties.
- E. Records. The Building Inspector shall perform all administrative tasks required by the applicable codes. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issuance.

§ 12-8. Submission of plans.

Two sets of building plans shall be submitted to the Building Inspector for any work valued over \$5,000, any work which expands the size of a building, any new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted.

§ 12-9. Issuance of permit; posting; term.

The Building Inspector shall issue the requested permit after all state, county and local

submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location. Permits are valid for two years.

§ 12-10. Completion deposit required.

A deposit of \$100 is required for all projects of over \$5,000 in total value. It shall be refunded after the project is completed and no noncompliances are found by the Building Inspector and all other fees are paid. It shall be forfeited if occupancy occurs before permit or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished per § 12-12 within two years of permit issuance.

§ 12-11. Occupancy.

If no noncompliances are found by the Building Inspector, then the Building Inspector shall allow occupancy. If minor noncompliances, other than health or safety items, are in existence, the Inspector may allow temporary occupancy for a specified term. Occupancy may not be taken until occupancy is allowed by the Inspector.

§ 12-12. Exterior finish.

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

§ 12-13. Maintenance of buildings.

All buildings shall be maintained so that they do not lose value or become noncomplying with applicable codes.

§ 12-14. Maintenance of yards.¹

Yards shall be kept free of weeds, trash, open storage or nonlicensed or disabled vehicles.

§ 12-15. Fees.

At the time of building permit application, the applicant shall pay fees as established periodically by the Town Board. If work commences prior to permit issuance, double fees may be charged by the Building Inspector.

§ 12-16. Automatic fire sprinklers.

A. Definitions. As used in this section, the following words and phrases shall have the meanings as hereinafter set forth:

APPROVED

- (1) As applied to automatic fire sprinkler equipment means approval by the authority charged with the enforcement of this section.

¹. Editor's Note: See also Ch. 5, Nuisances.

- (2) As applied to automatic fire sprinklers and devices means approval by a recognized testing laboratory.

AREA — The maximum horizontal projected area on one floor of buildings or structures within the exterior walls or between approved fire walls.

AUTOMATIC FIRE SPRINKLER EQUIPMENT — A system of piping connected to an adequate water supply provided with approved automatic fire sprinklers and devices so arranged and located as to discharge water automatically to the seat of the fire.

BASEMENT — Any story where less than half the height between the floor and ceiling is above the average level of street, sidewalk or finished grade.

COMBUSTIBLE — A material or structure which can burn. "Combustible" is a relative term; many materials which will burn under one set of conditions will not burn under others, e.g., structural steel is noncombustible, but fine steel wool is combustible. The term "combustible" does not usually indicate ease of ignition, burning intensity or rate of burning, except when modified by a word such as "highly" as in "highly combustible interior finish."

FIRE-RESISTIVE — The type of construction in which the structural members, including walls, partitions, columns, floor and roof construction, are of noncombustible materials with fire-resistive ratings not less than those specified in the following table. (The two classifications are identified by the required fire resistance as a matter of convenience.)

Fire Resistance Rating of Structural Members in Hours	Classification	
	3-Hour	2-Hour
Bearing walls, or bearing portion of walls, exterior or interior	4	4
Nonbearing walls or portions of walls, exterior or interior	NC	NC
Principal supporting members, including columns, trusses, girders and beams for more than 1 floor or roof	4	3
Secondary floor construction members such as beams, slabs and joints not affecting the stability of the building	3	2
Secondary roof construction members such as beams, purlins and slabs not affecting the stability of the building	2	1 1/2
Interior partitions enclosing stairways and other openings through floors	2	2

FIRE WALL — A wall which has a fire-resistance rating of not less than four hours and which subdivides a building or separate buildings to restrict the spread of fire, including a three-foot parapet wall.

INCOMBUSTIBLE — The same as "noncombustible." Because it is subject to misunderstanding, "noncombustible" is preferred.

MULTIFAMILY HOUSE — A building or portion thereof containing three or more dwelling units, including a tenement house, apartment house or flat.

NONCOMBUSTIBLE (NC) — Not combustible.

NONFLAMMABLE — Not flammable.

STORY — That part of a building comprised between a floor and the floor or roof next above.

B. Installation required. Approved automatic fire sprinkler equipment shall be installed and maintained in the following buildings or structures in the Town of Linn as follows:

- (1) Buildings for the manufacture, storage or sale of combustible goods or merchandise.
 - (a) Throughout every fire-resistive building occupied in whole for the manufacture, storage or sale of combustible goods or merchandise if:
 - [1] Over 10,000 square feet in area.
 - [2] Over one story in height and exceeding 6,000 square feet in average area.
 - [3] Over four stories in height, regardless of area.
 - (b) Throughout every nonfire-resistive building occupied, in whole or in part, for the manufacture, storage, sale of combustible goods or merchandise if:
 - [1] Over 7,000 square feet in area;
 - [2] Over one story in height and exceeding 4,000 square feet per floor in average area; or
 - [3] Over three stories in height, regardless of area.
- (2) Garages.
 - (a) In fire-resistive buildings over 10,000 square feet in total area exceeding four stories in height;
 - (b) In nonfire-resistive buildings over 6,000 square feet in total or exceeding four stories in height;
 - (c) Basement and subbasement garages and garages above or below other occupancies in excess of three passenger vehicles; and
 - (d) Garages used as passenger terminals.
- (3) Basements. Basements having an area exceeding 2,500 square feet when for

the sale or storage of combustible goods or merchandise (not including garages).

- (a) Where automatic sprinklers are required in a basement only, the supply shall be from a Town water main. Where there is no Town water supply, such basement sprinklers need not be installed, but at such time as a Town water supply becomes available, such required basement sprinklers shall be installed.²
 - (b) Every basement sprinkler system shall also include sprinklers in all shafts (except elevator shafts) leading to the story above.
- (4) Multifamily houses.
- (a) In fire-resistive buildings in basements, stairways and all corridors.
 - (b) In nonfire-resistive buildings in:
 - [1] Basements, stairways and all corridors.
 - [2] Throughout entire buildings if over two stories.
- (5) Theaters and assembly halls.
- (a) Throughout all buildings of nonfire-resistive construction; and
 - (b) In buildings of fire-resistive construction in such places as the stage, under the roof of the stage, gridiron, fly galleries and bridges, in dressing rooms, work rooms, property rooms and on the stage side of the proscenium opening.
- (6) Hospitals.
- (a) Throughout all buildings of nonfire-resistive construction; and
 - (b) In buildings of fire-resistive construction throughout all basements, kitchens, shops, laundries, laboratories, stairways, corridors and throughout all other areas where combustible materials are handled.
- (7) Nursing, convalescent, old age and other like institutional buildings. Throughout all nursing, convalescent, old age and other like institutional buildings.
- (8) Schools, colleges and universities.
- (a) Throughout all buildings of nonfire-resistive construction.
 - (b) In buildings of fire-resistive construction throughout basements, workshops, laboratories, stairways, corridors, stage area of auditoriums, janitor closets, kitchens, cafeterias and throughout all other areas where combustible materials are handled or stored. An Underwriters'

2. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

Laboratories approved automatic fire or smoke detection system wired to fire stations may be substituted for automatic sprinkler protection.

- (9) Dormitories, fraternities and sorority houses.
 - (a) Throughout all buildings of nonfire-resistive construction; and
 - (b) In buildings of fire-resistive construction in such places as linen rooms, storage rooms, boiler rooms, kitchens, stairways, corridors and throughout all other areas where combustible materials are handled or stored.
- (10) Hazardous properties. In buildings or structures, the occupancy or use of which involves a highly combustible, highly flammable or explosive material or that has characteristics that constitute a special fire hazard, including among others:
 - (a) Aluminum powder factories.
 - (b) Cellulose nitrate plastic factories.
 - (c) Cereal mills.
 - (d) Distilleries.
 - (e) Explosives and pyrotechnics and manufacturing.
 - (f) Flour and feed mills.
 - (g) Gasoline bulk plants.
 - (h) Grain elevators.
 - (i) Lacquer and paint factories and paint shops, linseed oil and varnish works.
 - (j) Liquefied petroleum gas (LPG) bulk plants.
 - (k) Mattress factories.
 - (l) Wastepaper plants.
 - (m) Aircraft hangers.
 - (n) Chemical works.
 - (o) Linoleum and oil cloth, shade, and cloth manufacturing.
 - (p) Oil refineries.
 - (q) Pyroxlin plastic manufacturing and processing.
 - (r) Other occupancies involving the processing, mixing, storage and dispensing of volatile liquids.
- (11) Condominiums. Throughout all buildings of nonfire-resistive construction.

C. Installation.

- (1) Approved automatic fire sprinkler equipment shall be installed in accord with the current edition of Pamphlet No. 13, titled "Standards for the Installation of Sprinkler Systems," and other applicable standards of the National Fire Protection Association and Ch. Comm 14, Wis. Adm. Code, or other applicable State of Wisconsin regulations, all of which are in effect at the time of installation.
- (2) Required automatic sprinkler systems shall be designed and constructed in conformity with good established practice. Reinstallation of used sprinkler heads is prohibited, and other secondhand devices may be installed only by special permission of the Town Fire Chief and the Town Board.

D. Applicability of section.

- (1) This section shall apply to all new buildings and structures listed in Subsection B hereof and to existing buildings in which the Fire Chief shall determine a severe life hazard exists to the occupants and users thereof without automatic sprinklers, subject to appeal to the Town Board of such determination.³
- (2) Nothing contained herein shall be construed as requiring the installation of automatic fire sprinklers in safe deposit or other vaults; places where the application of water may cause or increase combustion; or in any other location where the installation of sprinklers may increase the hazard, nor shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by and under conditions acceptable to the Fire Chief and the Town Board.

§ 12-17. Outdoor lighting. [Added 2-14-2000]

- A. Purpose. The purpose of this section is to regulate outdoor night lighting fixtures, including pier lights, to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

OUTDOOR LIGHTING FIXTURE — An outdoor artificial illuminating device, whether permanent or portable, including pier lights, used for illumination or advertisement, including searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, billboards or streetlighting.

SHIELDED — A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15° below a horizontal plane running through the lowest point on the fixture where light is emitted.

3. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

- C. Shielding of outdoor lighting fixtures. All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 watts or less and other sources of 70 watts or less.
- D. Illumination levels. All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) given in Appendix A.⁴
- E. Filtering. Metal halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.
- F. Nonconforming light fixtures.
 - (1) Existing light fixtures which do not conform to Subsections C, D and E of this section are allowed, but extinguishing of such lights by 11:00 p.m. is encouraged.
 - (2) No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted which is in progress prior to 11:00 p.m. at a ballpark, school ball field, outdoor amphitheater, arena or similar facility.
- G. Display lot lighting. Display lot lighting shall be turned off within 30 minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.
- H. Architectural lighting. All architectural lighting shall be of 150 watts or less (incandescent) or 70 watts or less (other types) and be extinguished no later than 11:00 p.m. Lights shall have at least 90% of their light falling on the illuminated structure.
- I. Use of mercury vapor lighting fixtures. No new mercury vapor outdoor lighting fixtures shall be sold or installed after June 1, 2000. No replacement equipment or bulbs for mercury vapor lighting fixtures shall be sold or installed in the Town of Linn after January 1, 2001.
- J. Exemptions. The following are exempt from the requirements of this section: outdoor lighting fixtures existing and legally installed prior to the effective date of this section; however, any replacement of said lighting fixtures must comply with this section as set forth above.
- K. Violations and penalties. Any person, firm, entity or corporation violating the provisions of this section shall be required to pay a forfeiture of not more than \$500 for each day the violation continues after being issued a citation.

§ 12-18. Recovery of costs and expenses for land use modifications. [Added 1-8-2001]

4. Editor's Note: Appendix A is on file in the Building Inspector's office.

- A. General provisions. In addition to any other fees required to be paid in conjunction with the filing of an application requesting any consideration on the part of the Town Board (hereinafter "Board") or the Town Plan Commission (hereinafter "Plan Commission") to establish or modify any use of land or subdivision of land within the Town, the person, partnership or entity requesting such consideration (hereinafter "applicant") shall compensate the Town for all costs and expenses the Town incurs in the consideration of any such application or request. The obligation to compensate the Town for its costs or expenses shall extend to presubmission discussions with the Town or its representatives which precede an application to the Town.⁵
- B. Applicant certificate. Before the Town shall incur any costs or expense in consideration of any application as described in this section, the applicant shall sign an acknowledgment and certificate on a form to be made available by the Town Clerk/Treasurer acknowledging the applicant's responsibility for all Town costs and expenses directly or indirectly related to the applicant's request. The original of said acknowledgment and certificate shall be kept on file with the Town Clerk/Treasurer. A copy shall be given to the applicant at the time of signing.
- C. Costs recoverable. All costs incurred by the Town in the consideration of any requests by an applicant related to the Town shall be recoverable, including, without limitation by enumeration, the following:
- (1) All professional and technical consultant services and fees retained by the Town and rendered in review of any application, including but not limited to the Town Engineer, Planner, Town Attorney or any other professional or expert hired by the Town for purposes of review of the application or presubmission request.
 - (2) Legal publication costs.
 - (3) Court reporter costs, as deemed necessary by the Town Board or Town Plan Commission.⁶
 - (4) Copy reproductions.
 - (5) Postage.
 - (6) Inspection fees incurred by the Town Building Inspector.
 - (7) Document recordation (if required).
- D. Billing of costs. The Town Clerk/Treasurer shall, on a monthly basis, bill all costs recoverable pursuant to this section to the applicant, which said costs shall be paid by the applicant within 10 days of receipt of the Town's billing. The Town Board may require an applicant to submit an advance deposit against future billings by the Town for the recovery of costs provided by this section. Surplus deposits shall be

5. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

6. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

returned to the applicant at the conclusion of the project if such deposits exceed the amount of billings for recoverable costs. Any billed costs from the Town unpaid at the expiration of said ten-day period shall bear interest at the rate of 18% per annum.

- E. Condition of all applications. Notwithstanding anything in the Town Code to the contrary, payment in full of all recoverable costs pursuant to this section shall be a precondition to the final approval of any application. This precondition shall extend to any Board request for an advance deposit against future billings for recoverable costs as called for herein.
- F. Enforcement. In addition to those provisions for enforcement contained in the Town Code, in the event that the Town is not paid billed recoverable fees as called for herein, the Town shall be entitled to recover all actual attorney fees, litigation expenses, witness fees, filing fees, expert witness fees and all other costs or expenses incurred by the Town in the prosecution of a violation of this section, regardless of whether the Town prevails in such prosecution or not.

§ 12-19. Violations and penalties. ⁷

Except where another penalty is provided, violations of this code shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$1,000 for each day of noncompliance, together with the costs of prosecution. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given.

§ 12-20. Stop-work order.

The inspector may issue a stop-work order against a project to prevent further noncomplying work.

§ 12-21. Liability for damages.

This chapter shall not be construed as an assumption of liability by the municipality or inspector for damages because of injuries sustained or property destroyed by any defect in any installation or on any premises.

⁷. Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).