

ORDINANCE NO. 2023-01AN ORDINANCE OF THE TOWN OF WINCHESTER CODE OF ORDINANCES
ADOPTING THE STATE OF WISCONSIN BUILDING STANDARDS

THE TOWN BOARD OF THE TOWN OF WINCHESTER ORDAINS AS FOLLOWS:

SECTION 1: § § 1, 2, 3, and 4 of the Town of Winchester Ordinances is hereby created to read as follows

Sec. 1-01 – General Provisions.

- A. Purpose. This code establishes minimum standards regulating the construction and alteration of buildings and structures in order to promote the health, safety and general welfare of the citizens of the Town of Winchester.
- B. Scope. This code shall apply to new buildings or structures and additions or alterations hereafter erected or undertaken in the Town of Winchester.
- C. 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 Safety and Professional Services 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.
- D. Legal responsibility. The Town of Winchester shall not assume legal responsibility for the design, construction or modification of any building or structure. The purpose of the inspections under this chapter is to improve the quality of structure in the Town of Winchester. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guaranty. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of the inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."
- E. Relief from personal responsibility. The Building Inspector, officer or employee charged with the enforcement of the Building Code, while acting for the Town of Winchester, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties under the provisions of the Building Code shall be defended by the Town of Winchester Attorney until the final termination of the proceedings. In no case shall the Building Inspector or any of his subordinates be liable for cost in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Building Code, and any officer of the Town, acting in good faith and without malice, shall be free from liability

for acts performed under any of its provisions of by reason of any act or omission in the performance of his official duties in connection therewith.

Sec. 1-02 – 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; 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.
- 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 § 1-02-C(2)(a) shall apply to all detached accessory building concrete slabs constructed after the effective date of this section.

Sec. 1-03 – Permit Required.

- A. General permit requirement. All new buildings or structures, or any part thereof, that are erected, or ground broken for the same, or enlarged, altered, repaired, moved, demolished, razed or used within the Town of Winchester, except as provided in this chapter, shall require a permit be obtained by the owner, or their authorized agent, from the Building Inspector.
- B. Revocation of permits. The Building Inspector or designee may revoke permits if compliance with this chapter, the Building Code or the Town of Winchester Municipal Code are not met:

1. Whenever the Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and the holder of the permit refuses to conform after written warning or instruction has been issued to him.
 2. Whenever the continuance of any construction becomes dangerous to life or property.
 3. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 4. Whenever, in the opinion of the Inspector, there is inadequate supervision provided on the job site.
 5. Whenever any false statement or misrepresentation has been made in the application for permit.
- C. Display of permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- D. Payment of fees. No permit shall be issued until the fees have been paid.
- E. Compliance with codes. The permit shall be authorization to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this chapter or the Building Code, except as specifically stipulated by modification of legally granted variation as described in the application.
- F. Compliance with permit. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
- G. Compliance with site plan. All new work shall be located strictly in accordance with the approved site plan.
- H. Term of Permit
1. All building permits shall be valid for 12 months from the date of issuance.
 2. Exception. Commercial and industrial buildings and buildings requiring a Wisconsin uniform building permit shall be valid for 24 months.

Sec. 1-04 – Enforcement.

- A. Certified inspector to enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of this chapter and the Building Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under § SPS 305, Wis. Adm. Code

B. Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Building Code.

1. Inspection powers. The Building Inspector or an authorized certified agent 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 by the Building Inspector or his agent while in performance of his duties.
2. Enforcement.
 - a. Notice to correct. If an inspection reveals a noncompliance with this chapter and the Building Code, the Building Inspector shall notify the applicant or the owner of the violation to be corrected in writing and prior to continuation of any other work.
 - b. Stop-work order. If after notification, the violation is not corrected, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied the cited violation has been corrected.
 - c. Separate violations; other remedies. Each day each violation continues after the written notice shall constitute a separate offense. Nothing in this chapter shall preclude the Town of Winchester from maintaining any appropriate action, at law or in equity, to prevent or remove a violation of this chapter or the Building Code.
 - d. Double fees. If any construction of work governed by the provisions of this chapter or the Building Code is commenced prior to the issuance of a permit double fees shall be charged in addition to any penalties as identified in the Town of Winchester Fee Schedule as amended from time to time.

SECTION 2: 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.

SECTION 3: This ordinance shall take effect and be in full force from and after its passage and publication by posting commencing on November 21, 2023.

Passed and approved this 20th day of November 2023.

TOWN OF WINCHESTER

By: Matthew J. Olson
Matthew J Olson, Town Chairman

ATTEST: Holly Stevens
Holly Stevens, Clerk