

**TOWN OF FREEDOM  
ORDINANCE NUMBER 2024-05  
AMENDING LANGUAGE IN CHAPTER 9 BUILDING CODE ORDINANCE**

The Town Board of the Town of Freedom, Outagamie County, Wisconsin, at the request of the Wisconsin Department of Safety and Professional Services, amends the language of the town's Chapter 9 Building Code Ordinance.

Section 9.05(1)(b) shall remove subsections 2, 4, and 5.

This ordinance is adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, amends Chapter 9 of the Town of Freedom Code of Ordinances in accordance with the request of the Wisconsin Department of Safety and Professional Services.

This ordinance is effective on publication or posting or September 1, 2024.

The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats. Adopted this 28<sup>th</sup> day of August, 2024.

Signed:   
Justin Schumacher, Chair

Attest:   
Dana McHugh, Clerk

posted to website: 9/11/24

## CHAPTER 9

### BUILDING CODE

#### 9.01 BUILDING INSPECTOR

The building inspector shall be appointed by the Town Board. No person shall interfere with such officer while in the performance of his/her duties under this chapter. The building inspector shall keep a record of all permits, fees, and inspections as provided for in this chapter in the Clerk's office and shall make quarterly reports to the Town Board for the Town of Freedom.

#### 9.02 – PERMIT REQUIRED

No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal Building Inspector.

- 1) The construction which shall require a permit includes, but is not limited to:
  - a) New 1 & 2 family and commercial buildings including agricultural buildings, detached structures (decks), residential accessory buildings, and detached garages.
  - b) Additions increase the physical dimensions of a building including decks.
  - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
  - d) Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted below.
  - e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
  - f) Any HVAC for new construction or remodeling.
  - g) Any plumbing for new construction or remodeling.
  - h) Any new or re-wired electrical service, including services for agricultural buildings.
- 2) Application. Application for building permit shall be made in writing upon a form furnished by the Town and shall state the name and address of the owner of the land and also of the owner of the building, if different, the legal description or parcel number and the street address of the land upon which the building is to be located and shall contain such other information as the building inspector may require for effective enforcement of this section.
- 3) Plans. With such application there shall be submitted two complete sets of plans and specifications including a plot plan showing the location of the proposed building with respect to the adjoining street, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp or approval from the State Department of Industry, Labor and Human Relations. Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as herein provided. The other set shall remain on file in the office of the building inspector. All plans and specifications shall be signed by the designer.
- 4) Waiver of Plans. If in the opinion of the building inspector, the work is sufficiently described in the application, he may waive the filing of plans and specifications, except that no waiver shall be permitted in the filing of the plot plan as required in (3) above.

- 5) Approval of Plans. If the building inspector determines that the proposed building will comply in every respect with all ordinances of the township and all applicable laws and orders of the State of Wisconsin, he shall officially approve and sign one set of the plans, unless waived as provided herein, and return it to the owner, and shall issue a building permit therefor which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the ordinances of the township laws and building or the occupants except with the written consent of the building inspector. (6) Repairs. No permit shall be required for any repairs or minor alterations if the same should pertain to the replacement of siding, roof, doors, windows, eaves, porches, or chimneys, provided the same shall result in the building openings remaining the same size as existed prior to the repair. No permit shall be required for any other repairs unless the value of said repairs consisting of the cost of materials and the value of labor, whether purchased or provided, shall exceed \$500.00 in value.
- 6) Payment of Fees. All fees shall be paid as prescribed in this chapter and shall be paid before any permit shall be issued to the owner or his/her agent.
- 7) Permit Lapses. A building permit shall lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof.
- 8) Revocation. If the building inspector finds at any time that the provisions of this code and any orders, plans and specifications are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, he shall revoke the building permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work thereunder until the permit is reissued except such work as the building inspector may order to be done as a condition precedent to the reissuance of the permit or as he/she may require for the preservation of human life and safety of the property.
- 9) Report of Violation. The Town Officials shall report at once to the building inspector any building work which is being carried on without a permit as required by this chapter. If confirmed by the building inspector that a violation is present, the Town shall take immediate action to enforce this ordinance.
- 10) Curb-Cut Right-of-Way Permit. No building permit shall be granted nor construction commenced until a proper culvert shall be installed if needed. Town Officials shall determine whether a culvert is required.
- 11) Fees. The fees for building permits shall be set by the Town Board by resolution.
- 12) Site, Drainage and Erosion Control Plan. No building permit shall be granted for any residential, commercial, industrial or multi-family building until a site plan, drainage plan and erosion control plan has been submitted to, in compliance with Chapters 24 and 25 of the Code of Ordinances, and reviewed by the Plan Commission; and approved by the Town Board.

### **9.03 FEES FOR BUILDING PERMITS AND INSPECTIONS.**

At the time the application for a building permit is filed, the applicant shall pay fees as set by the Town Board by resolution.

#### **9.04 ADOPTION OF STATE CODES**

- 1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

#### **9.05 Certified Municipality Status**

- 1) Certified Municipality. The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

- a) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services:

1. Provide inspection of commercial buildings with certified commercial building inspectors.
2. Provide plan examination of commercial buildings with certified commercial building inspectors.

- b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

1. Provide inspection of commercial buildings with certified commercial building inspectors.
- ~~2. A new building or structure containing less than 50,000 cubic feet of total volume.~~
3. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
- ~~4. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.~~
- ~~5. An alteration of a space involving less than 100,000 cubic feet of total volume.  
(Amended 8-28-24)~~
6. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
7. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

- c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

1. Building permit application.
2. Application for review - SBD-118, or equivalent.
  - a. Fees per Table SPS 302.31-2 and SPS 302.31.
  - b. Fees apply to commercial projects.
3. Four sets of plans.
  - a. Signed and sealed per SPS 361.31.
  - b. One set of specifications.
  - c. Component and system plans.
  - d. Calculations showing code compliance.

#### **9.06 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR**

- 1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- 2) Assistants. The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heat work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Wis. Stat. § 66.0119.

#### **9.07 VIOLATIONS AND PENALTIES**

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.
- 2) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Adopted by the Town of Freedom on this 24<sup>th</sup> day of July 2024.

