



Town of Verona Comprehensive Building Code

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TOWN OF VERONA COMPREHENSIVE BUILDING CODE

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CONSTRUCTION STANDARDS AND REGULATIONS

I. GENERAL PROVISIONS

- (1) **Title.** These regulations shall be known as the "TOWN OF VERONA Building Code" may be cited as such, and will be referred to hereinafter as the Building Code or "this code."
- (2) **Authority.** This ordinance is adopted under the authority granted by Wisconsin Statutes, Chs. 60, 66 and 101. Where this ordinance conflicts with applicable uniform state codes, the latter shall govern.
- (3) **Repeal of Existing Ordinances.**
 - a. All existing previously enacted comprehensive building codes of the Town as periodically amended are hereby repealed and replaced by this ordinance.
 - b. Any other existing Town ordinances that are inconsistent with this ordinance are hereby repealed in part to the extent they are inconsistent, and are replaced in pertinent part by this ordinance.
- (4) **Content and Purpose.** This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and structures. The purpose of this code is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (5) **Scope.** The provisions of this code shall apply to all buildings and structures in the Town of Verona **with the exception** of the following.
 - (a) Recreational vehicles and mobile/manufactured homes. Manufactured homes placed on-site **require** a permit and inspections. On-site additions to recreational vehicles and manufactured homes are **not** exempt.
 - (b) Temporary buildings used exclusively for construction purposes, not exceeding two stories in height and not used as living quarters. **These structures will be removed within 30 days following final inspection.**
 - (c) Buildings owned by the federal government. Buildings owned by any entity other than the federal government but leased to the federal government are **not** exempt.
 - (d) Children's play structures, private non-commercial dog kennels, and storage sheds of less than 120 square feet in area.
- (6) **Application.** The provisions of this code shall apply to all new construction, all additions and alterations to existing buildings, all remodeling, repairs and maintenance of existing buildings, building use changes, buildings being moved from one location to another and to demolition of buildings.

- (7) **Responsibility.** This code shall be binding alike every owner of a building- every person in charge of or responsible for or who causes the construction, repair or alteration of any building or structure and every professional engineer, architect, or other person who shall prepare plans for the construction, alternation or addition to any building or structure in the Town.
- (8) **Performance Code.** This code shall be interpreted and administered as a performance code. No part of this code is intended to prohibit or discourage the construction of innovative buildings and structures. Minor variances from this code may be approved by the Building Inspector when those variances comply with the spirit and intent of the provisions specifically cited herein. The Building Inspector may approve alternative materials or methods of construction when he/she finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (9) **Relationship to Other Regulations.** This code shall not affect violations of any other ordinance, code or regulation prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. The provisions of this code shall not be construed to prevent the enforcement of other ordinances or regulations of the Town of Verona or of the State of Wisconsin which prescribe standards other than are provided herein. In case of conflicts among such standards, the more restrictive standard shall apply.
- (10) **Matters Not Provided For.** Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by this code, shall be determined by the Building Inspector.
- (11) **Workmanship.** All work performed under the scope of this code shall be conducted, executed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.
- (12) **Maintenance.** All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.
- (13) **Liability for Damages.** This code shall not be construed as assuming any liability on the part of the Town for damages to anyone injured or for any property destroyed by a defect in any building or element.
- (14) **Code Availability.** A copy of this code shall be kept on file at the office of the Town of Verona and shall be made available to the public for reference, inspection and purchase upon request during normal business hours. A copy of the provisions of the Wisconsin Administrative Code adopted by reference in section III (I) of this code shall be kept on file at the town office and shall be made

available to the public for reference and inspection upon request during normal business hours. Copies of the Wisconsin Administrative Code referenced herein may be purchased from the Wisconsin Department of Administration, Document Sales and Distribution, 202 South Thornton Avenue, Madison, WI 53702 (608-266-3358).

- (15) **Effective Date.** Except as otherwise indicated in the individual sections or subsections, provisions of this ordinance are effective as to all structures and buildings constructed, upon passage and publication as provided by law.

II. DEFINITIONS

Unless the context clearly requires otherwise, when used in this code the following terms shall have the following meanings:

- (1) **Town Building Inspector** is the executive official in charge of the Town Building Inspection Department as described in Section IV of this code or any person officially authorized by the Building Inspector of the Town of Verona to carry out the administrative and enforcement functions prescribed in this ordinance
- (2) **Building** means a structure for support, shelter or enclosure of persons or property.
- (3) **Code** means this Town of Verona Building Code.
- (4) **Structure** means an assembly of materials forming a construction for occupancy or use.
- (5) **Owner or authorized agent** is the owner of the property upon which the building is located, or the construction is occurring, or an agent designated by the owner.
- (6) **Town** means Town of Verona, Dane County, Wisconsin
- (7) **Wis. Admin. Code** means Wisconsin Administrative Code.

III. CONSTRUCTION STANDARDS

- (1) **Adoption of State Codes.** The provisions of the following State of Wisconsin codes and subsequent amendments and recodifications thereto are hereby adopted by reference and incorporated in this code as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this chapter and subject to enforcement and abatement procedures as set forth in Section XVIII of this code.
 - (a) Chapter SPS 316, Electrical.
 - (b) Chapters SPS 320 through 325, Wisconsin Uniform Dwelling Code, excepting therefrom SPS 320.05(1), (3), and (4).
 - (c) Chapter SPS 328, Smoke Detectors And Carbon Monoxide Detectors.
 - (d) Chapters SPS 361 through 366, Commercial Building Code.

- (e) Chapters SPS 375 through 379, Buildings Constructed Prior To 1914.
- (f) Chapters SPS 381 through 386, Plumbing.
- (g) Fire Code, NFPA – 1 (Fire Prevention Code), NFPA – 101 (Life Safety Code), NFPA – 55 (Storage Use, & Handling of Compressed and Liquefied Gasses in Portable Cylinders), NFPA – 58 (Liquefied Petroleum Gas Code), Chapter SPS 314, Fire Prevention.

(2) Repeal of Existing Ordinances.

- (a) All existing previously enacted comprehensive building codes of the Town as periodically amended are hereby repealed and replaced by this ordinance.
- (b) Any other existing Town ordinances that are inconsistent with this ordinance are hereby repealed in part to the extent they are inconsistent, and are replaced in pertinent part by this ordinance.

(3) Referenced Standards. Conformance of construction with the "Basic Building Code," a publication of the Building Officials and Code Administrators, Inc., and its appendicized references, as well as the Wisconsin Uniform Building Code, shall be prima facie evidence of safe construction. Only those standards of workmanship and safety which are within the scope of, but are not clearly described, in the Town of Verona and State of Wisconsin Codes and are more clearly detailed or described in the referenced code shall be considered recognized standards of good workmanship and safety. No requirement of reference more stringent than, or in conflict with, the Town of Verona Building Code shall be in force, nor shall any definition or term in conflict with those of the Town or State Codes be applicable to the Town of Verona Building Code. Where any requirements of the referenced code are more stringent than the standards of workmanship and safety described or implied in the Town or State codes, the Town and State code requirements on the particular item shall apply. Major topics appearing in the referenced code and not appearing in either the Town or State codes may be considered recognized standards of workmanship and safety, at the discretion of the Building Inspector.

IV. BUILDING INSPECTOR AND BUILDING INSPECTION DEPARTMENT

- (1) Code Official.** The Town of Verona Building Inspection Department is hereby created and the executive official in charge thereof shall be known as the Building Inspector
- (2) Town's Lead Building Inspector.** The Building Inspector shall be Appointed by the Town Board and shall be a department head as defined in the Town Personnel Handbook and serve as an at will employee under the provisions of said handbook.
- (3) Assistant to the Building Inspector.** The Building Inspector is authorized to designate, with the approval of the Town Board, a qualified person (s) who shall exercise the powers of the Building Inspector during the temporary absence or disability of the Building Inspector.

(4) Qualifications. The Building Inspector shall possess the necessary qualifications and inspector certifications required by the Town of Verona and the State of Wisconsin (Wis. Admin. Code Chapter SPS 305), to supervise the general construction of buildings and enforce the provisions of this code.

(5) Conflicts of Interest. An official or employee connected with the building inspection department may engage in or furnish the labor, materials or appliances for the construction alteration or maintenance of any building within the Town. The Town building inspector shall not inspect a project that they are engaged in and shall notify the Town at time of permit issuance of any such activity. All such activities must be inspected by an independent party designated by the Town Chair or designee

(6) Indemnification. The provisions of section 895.46 of the Wisconsin Statutes shall apply to all officials and employees of the Town of Verona action pursuant to this Code

V. POWERS AND DUTIES OF THE BUILDING INSPECTOR

(1). State Statute Reference. The Building Inspector shall be held to be the same officer as referred to in the Wisconsin Statutes as building inspector, and who shall have the same powers and duties. The Building Inspector shall enforce all the provisions of this code and all other State laws and Town ordinances relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this code. The Building Inspector shall have full power to pass upon any question arising under the provisions of this code subject to the conditions contained herein.

(2). Rule Making Authority. The Building Inspector shall have the power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate orders and directives, to interpret and implement the provisions of this code to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this code or violating accepted engineering practices involving public safety. Subject to the approval of the Town Board, the Building Inspector shall also have the power as necessary to establish town policies, initiate administrative procedures and adopt rules to ensure effective and efficient operation of the Town Building Inspection program.

(3). Permits, Inspections and Correction Orders. The Building Inspector shall be responsible for the issuance of all permits required by this code and for the inspection of all work for which such permits have been issued. The Building Inspector shall enforce compliance with the provisions of this code and shall issue necessary notices and correction orders to ensure compliance with all code requirements for the health, safety and general welfare of the public.

VI. PERMITS

(1) Building Permits. No person shall erect or construct any building or structure or add to, enlarge, move, improve, alter, extend, convert or demolish any building or structure or cause the same to be done or commence any work covered by this

code on any building or structure without first obtaining a building permit therefore from the Building Inspector except that building permits shall not be required for the following:

- (a) Repairs required for the maintenance and upkeep of any building which does not involve a change in use, and does not affect the structural strength, fire hazard, exits, natural lighting or the replacement of a major piece of equipment.
- (b) Residential accessory buildings and storage sheds not used to house motor vehicles and less than 120 square feet in floor area.
- (c) Satellite dishes and antennas intended for private use.
- (d) Buildings and structures not within the scope of this code.
See Sec. I (4)

(2) Compliance with Construction Standards. Construction referred to in section V (I) (a-d) above shall comply with all applicable code sections and construction standards regardless of building permit requirements.

(3) Electrical Permits.

- (a) Electrical permits are required in accordance with SPS 316.012(1).

The application for permit shall describe the proposed installation or work and give the location of the premises where same is to be placed. No permit shall be issued unless satisfactory proof is furnished to the Building Inspector upon request that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by this Code and other law. The fees for such permits shall be paid in full prior to commencement of work. Any excess fees will be refunded following final inspection. **All applications for permits shall be signed by the license holder.**

- (b) In the event of an emergency when the immediate initiation of work is necessary for the protection of life, health or property, such necessary work may be done without previously obtaining a permit, provided the required permits are obtained on the first business day following the start of such work.

(4) Plumbing Permits. No person shall commence any plumbing work covered by this code without first obtaining a plumbing permit therefore from the Town of Verona Building Inspection Department. A Master Plumber License is required.

(5) Heating Permits. No person shall commence any heating, ventilating, or air conditioning work covered by this code without first obtaining a heating permit from the Town of Verona Building Inspection Department.

(6) Waiver of Permits. If, in his/her opinion, a proposed alteration to a building or equipment is insignificant, or the equipment or part is being replaced through normal maintenance, the Building Inspector may grant a written waiver of the requirement of a permit.

VII. APPLICATIONS, PLANS AND SPECIFICATIONS

- (1) **Permit Applications.** Application for a permit shall be made by the owner of the building or structure or an authorized agent and shall be made in writing upon a blank form furnished by the Building Inspector. The permit application shall contain the name, mailing address and phone number of the owner of the building and land, the name, mailing address and phone number of the engineer, architect, designer or contractor responsible for the work, a general description of the proposed work, location of the proposed work, the use and occupancy of all parts of the building or structure, and such other information as required by the Building Inspector to enforce the provisions of this Code.
- (2) **Plans Required.** Building plans, site plans and specifications shall accompany every application for a permit and shall be filed in duplicate with the Building Inspector. All plans submitted shall be legible, drawn to scale, fully dimensioned and shall contain sufficient information to determine compliance with this code and all other applicable regulations. Plans shall be prepared in accordance with the provisions of this code, shall bear the name of the architect, engineer or designer who prepared them, if any, and shall be of sufficient clarity to clearly indicate the nature and character of the work proposed.
- (3) **Review by Other Agencies.** Building plans requiring review by other State Agencies, and/or the Dane County Zoning Department, shall be reviewed and stamped "Approved" or "Conditionally Approved by said agencies **prior to** submittal for a building permit.
- (4) **Quality of Materials.** When the quality of materials is essential for conformity to this code, specific information shall be given on plans submitted to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.
- (5) **Waiver of Plans.** The Building Inspector may waive the requirement for the filing of plans when the work involved is of a minor nature, when plans would not sufficiently show the nature and character of the work, or when the work is adequately described on the permit application. A detailed written description of all work proposed, may also be substituted for building plans, at the discretion of the Building Inspector.
- (6) **Amendments to Plans.** Subject to the limitations described in Section VII (7) of this code, amendments to a plan, application or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments are subject to the same review and approval process as the original plans and shall be deemed part of the original application.
- (7) **Time Limitations.** An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued-, except that the Building Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

VIII. ISSUANCE OF PERMITS

- (1) **Plan Review and Permit Issuance.** The Building Inspector shall examine all applications for permits, plans and amendments thereto within a reasonable time after filing. If the application, plans and specifications are in substantial conformity to the requirements of this code, with all applicable ordinances of the Town, and with all laws and lawful orders of the State, the Building Inspector shall, upon receipt of the required fee(s), issue a permit for said work and shall sign, date and stamp the plans "Approved" or "Conditionally Approved."
- (2) **Fire Department Review.** Upon receipt of a project application for a permit relating to a commercial property, the Building Inspector shall forward a copy thereof to the Fire Chief. The Fire Chief, or his/her designee, shall review the application to determine whether the proposed construction provides adequate fire protection and access by Fire Department personnel and equipment. After review, the Fire Chief or designee shall indicate to the Building Inspector and applicant whether the proposed construction satisfies the above-described considerations. If not, the Fire Chief or designee shall state the modifications necessary to satisfy said considerations. No permit shall be issued by the Building Inspector unless the application has been approved, or conditionally approved, by the Fire Chief or designee.
- (3) **Approved Plans.** One set of approved plans and specifications shall be retained by the Town of Verona Building Inspection Department and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept at the job site at all times until the work authorized thereby is completed and shall be made available for inspection by any Department official. Such approved plans and specifications shall not be changed, altered or modified in any respect which involves any of the laws, ordinances or administrative rules referred to above, or which involves the safety of the building or its occupants, except with the consent of the Building Inspector.
- (4) **Building Permit Card.** With every building permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out as evidence of permit issuance and the applicant shall post the card in a conspicuous place on the job site not more than 15 feet above the grade of the building. The card shall be unobstructed from public view and shall remain posted until all the work covered under the permit is completed.
- (5) **Permit Expiration.** A permit issued under the authority of this code shall be subject to time limitations and expiration as specified by the Wisconsin Administrative Code. If the Wisconsin Administrative Code does not specify permit time limitations and expiration then a permit issued under the authority of this code shall lapse and be void unless building operations are commenced within 6 months from the date thereon and shall be completed within 24 months of commencement of building construction unless otherwise extended by the Building Inspector. Any exterior portion of a building project which is visible to the public and which is not completed within the allotted 24 months period shall constitute a public nuisance. It is unlawful for a person to commence but fail to complete all work during the time in which the permit is valid.

- (6) **Permit to Start Construction. (Commercial Projects Only)** The Building Inspector or designated appointee is authorized to issue a "Permit to Start Construction" for the construction of foundations or any other part of the building or structure before the plans and specifications for the entire building or structure have been submitted, but work on any building shall not be commenced unless Department approval has been granted or a permit has been issued. The holder of a "Permit to Start Construction" shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- (7) **Permit Suspension or Revocation.** The Building Inspector may suspend or revoke a permit or approval issued under the provisions of this code where the Building Inspector or authorized Department official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this code, or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the Building Inspector shall order be done as a condition precedent to the issuance of a new permit, or which the Building Inspector may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property and the general public.
- (8) **Permit Authority.** The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give the authority to violate or fail to comply with the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in the application, plans, specifications or construction.

IX. PERMIT FEES

- (1) **Fee Schedule.** A Permit Fee Schedule for all permits issued by the Building Inspection Department shall be periodically established and adopted by the Town Board. The "Permit Fee Schedule." shall be kept on file in the Town of Verona Office and will be made available for reference and public inspection during normal business hours.
- (2) **Payment of Fees.** Permit fees shall be paid by the applicant prior to permit issuance. The Building Inspection Department shall collect and keep an accurate account of all permit fees.
- (a) Unpaid additional inspection fees shall become the responsibility of the owner of the property
- (3) **Delinquent Permit Penalty.** Permit fees shall be doubled if any work is commenced prior to permit issuance
- (4) **Waiver of Permit Fees.** Permit fees shall be waived for buildings and structures owned by the Town of Verona.

X. INSPECTIONS

- (1) Inspections Required.** Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The Building Inspector shall determine the number and types of inspections to be completed for each building project, but in no case shall any plumbing or heating installations be enclosed or any structural portion of any part of any building or structure be covered or concealed prior to completion of required inspections and approval by the Building Inspector except as specifically provided for in X (2) of this code. After inspection the Building Inspector may issue a certificate of compliance, or prescribe any changes necessary for such compliance. Upon making the necessary changes, a certificate may be issued. After the issuance of such certificate, no structural part of such building shall be changed.
- (2) Requests for Inspections** The permit applicant or an authorized representative shall notify the Building Inspector after the completion of each phase of construction and shall request all inspections orally or in writing to the Town of Verona Building Inspection Department. The Building Inspector shall make every reasonable attempt to complete all requested inspections in a timely, manner. Work shall not proceed until required inspections have been completed and approval has been granted by the Building Inspector, however, construction may proceed if an Inspection is not completed within two business days after proper notification has been received unless otherwise agreed upon by the Building Inspector and the applicant.
- (3) Inspection Types.** In general, the following inspections shall be completed for all building projects whenever applicable:

 - (a) Building Sewer Inspection - To be completed after building sewer is installed, while the water or air test is on, but before being covered or concealed.
 - (b) Footing Inspection - To be completed after forms and required reinforcing are in place but before concrete is poured.
 - (c) Foundation Inspection - To be completed after forms are removed but before backfilling. Drain tiles (when required) shall be in place and foundation waterproofing and insulation shall be applied.
 - (d) Rough Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction and framing work. Inspections shall be completed after all rough work is finished but before it is covered or concealed.
 - (e) Insulation/Energy Inspection - To be completed after insulation and vapor barrier are in place but before they are covered or concealed.
 - (f) Final Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction work after all work is finished but before use or occupancy of the building or part thereof.

(g) Re-inspection – An inspection when work was not completed, when a code violation existed, or when a “partial inspection” is requested by the contractor or required by the Town.

- (4) **Notification of Inspection Results.** The Building Inspector shall inform the permit applicant and/or property owner of the results of all inspections completed. Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site.
- (5) **Stop Work Order.** Upon notice from the Building Inspector that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and conspicuously placed on the property, and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a Stop Work Order, except such work as that person is directed, by the Building Inspector to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described in XVII of this code.
- (6) **Right of Entry.** The Building Inspector, Assistant Building Inspector or other authorized Department employee may, at all reasonable times in performance of his or her duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this code and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating or air conditioning work. In carrying out this authority the Building Inspector, Assistant Building Inspector, or other authorized department employee shall comply with the provisions of WI SS 66.122 and SS 66.123, if applicable.
- (7) **Inspection Disclaimer.** Inspection findings are intended to report conditions of apparent noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

XI. CERTIFICATE OF USE AND OCCUPANCY

- (1) **New Buildings.** No building or structure hereafter erected shall be used or occupied in whole or in part until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (2) **Buildings Altered.** No portion of any building or structure hereafter altered, enlarged, moved, improved or converted from one use to another, shall be used or occupied until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (3) **Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Use and Occupancy provided there are no violations of law or orders of the Building Inspector pending and it is

established that the alleged use of the building has heretofore legally existed. Nothing in this code shall require the removal, alterations, or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.

- (4) **Temporary Occupancy.** Upon request of the holder of a permit, the Building Inspector may issue a temporary Certificate of Use and Occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

XII. CONFORMANCE REQUIREMENTS FOR EXISTING BUILDINGS

- (1) **Major Alterations and Repairs.** The requirements specified in this section shall apply to all existing buildings which do not conform to the requirements of this code for new buildings. If alterations or repairs are made to any existing building, where deemed practicable by the Building Inspector, the entire building shall be made to conform to the requirements specified herein for new buildings.
- (2) **Change of Use or Occupancy.** If the existing use or occupancy of any existing building or structure is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements specified herein for a new building; provided, the use or occupancy of only a portion or portions of the buildings need to be made to comply with such requirements, and provided further that the Building Inspector may approve any such change in the use or occupancy of any existing building or structure, even though such building is not made fully to conform to the requirements of this code, if, in his/her judgment, such a change in use or occupancy of the existing building or structure will not extend or increase any non-conformity or hazard of the building and provided further that such use or occupancy conforms to the provisions of Chapter 10 of the Dane County Zoning Code, as shown by the certificate of permit of the Fire Chief or Assistant Fire Chief.
- (3) **Structural Alterations and Repairs.** Every alteration or repair to any structural part or portion of any existing building or structure shall, when deemed necessary for the safety of the occupants in the opinion of the Building Inspector, be made to conform to the requirements of this code.

XIII. UNSAFE OR UNSIGHTLY BUILDINGS

- (1) **Order to Comply and Notice.** Whenever the Building Inspector finds that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by lack of maintenance, defective construction, overloaded floors, decay, lack of precautions against fire, general dilapidation or other cause, he/she shall order the owner or responsible tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary. The owner or responsible tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.
- (2) **Emergency Measures.** Where the public safety requires immediate action, the Building Inspector may enter upon premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be

removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

XIV. MOVING OF BUILDINGS

- (1) **Permit Required.** A permit shall be obtained from the Building Inspector prior to the moving of any building or structure within or into the Town of Verona.
- (2) **Compliance.** Buildings or structures moved within or into the Town of Verona shall comply with the provisions of this code for new buildings and structures unless deemed impractical by the Building Inspector.
- (3) **Conformance With Existing Buildings.** The building or structure to be moved shall conform to the existing buildings in the area in which it is to be moved as determined by the Town Plan Commission or Dane County Zoning Department.
- (4) **Unsafe or Unfit Buildings.** No building or structure shall be moved within or into the Town of Verona if deemed by the Building Inspector structurally unsafe.
- (5) **Bond Required.** Before a permit to move any building or structure is issued by the Building Inspector, the party applying therefore shall give a bond, or a letter of credit in the sum of \$ 10,000 with good and sufficient sureties to be approved by the Town Board, Town Chair and Town Attorney, providing among other things, that such party will save and indemnify judgments, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit.
- (6) **Conditions of Approval.** Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken, and limit of time for moving.
- (7) **Regulations for Buildings in Transit.** The moving of a building shall be continuous during all hours of the day and day by day and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. Lights shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved, in writing, by the Town Chair or designee.
- (8) **Damage to Streets and Highways.** Every person receiving a permit to move a building or structure shall within one day after reaching its destination, report the fact to the Building Inspector, who shall report the same to the Town Chair who shall thereupon inspect the streets and highways over which the building was moved, or cause the same to be done, and ascertain their condition. If the removal of the building or structure has caused any damage to the streets or highways over which moved, the building mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the building mover to do so within ten days thereafter, to the satisfaction of the Town, the Town shall order the repair of the damage done to such streets and highways and hold sureties of the bond given by the building mover responsible for the payment of same.

XV. DEMOLITION OF BUILDINGS

- (1) **Permit Required.** A permit shall be obtained from the Building Inspector prior to the razing or demolition of any building or structure in the Town of Verona.
- (2) **Barricade Required.** A snow fence or other approved barricade shall be provided around the site as soon as any portion of the building or structure is removed and shall remain during razing operations.
- (3) **Service Connections.** Before a building or structure may be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, gas, sewer and other connections. All service connections and appurtenant equipment, such as meters and regulators, shall be removed or sealed and plugged in a safe manner.
- (4) **Restoration of Site.** Whenever a building or structure is razed or demolished hereunder, all debris and materials resulting from such demolition shall be removed from the premises, all basements and other excavations and depressions revealed or caused by such demolition shall be filled to the general grade of the premises, and all surfacing on such premises shall be removed unless intended to be used in connection with the proposed use of the premises. All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises. All resulting vacant areas shall be seeded or planted as required by the Building Inspector.

XVI. SWIMMING POOLS

- (1) **Definition.** The term "swimming pool," when used in this section, shall mean any man-made swimming facility, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. Permanent pools are pools that are not removed in the winter months. An above ground pool that is not removed in the winter, may be considered permanent.
- (2) **Permit Required.** No person shall construct, install, enlarge or alter any swimming pool without first obtaining a permit therefore from the Building Inspector.
- (3) **Permit Applications.** Application for a swimming pool permit shall be made on a form provided by the Building Inspector and shall be accompanied by plans, drawn to scale, showing the following:
 - (a) Proposed location of the pool on the lot or parcel, distance to lot lines, and distance to existing structures on the property.
 - (b) Location of any septic tank, drain field, sewer lines or water lines.
 - (c) Pool dimensions and proposed water depth.
 - (d) Type, height and location of proposed fences.
 - (e) Existing overhead wiring relative to the proposed swimming pool.

- (4) **Permit Fees.** Permit fees for swimming pools shall be as specified in section IX of this code.
- (5) **Setback Requirements.** Swimming pool setbacks to property lines shall comply with the Dane County Code of Ordinances.
- (6) **Fences.** All in-ground pools not enclosed within a permanent building shall be completely enclosed by a fence not less than 4 feet in height, of sufficient strength to prevent access to the pool, and so constructed as not to have voids, holes or openings larger than 4 inches in any dimension. Gates or doors in fences shall be closed and secured so as to prevent unlatching by persons outside the pool area at all times when the pool is not in actual use. Fences may be omitted if a pool safety cover is installed that meets the American Society of Testing and Materials (ASTM) standard F1346-91 and provides enough strength to withstand 475 pounds of pressure on top of the pool cover. Said cover shall also be sealed tight with a lock and key whenever the pool is not in use.
- (7) **Above-Ground Pools.** Permanent access from grade to above-ground pools having stationary ladders, stairs, or ramps shall have safeguard fencing and gates equivalent to those required in section XVI (6) of this code. Fencing of aboveground pools with removable ladders is not required so long as access to the pool is prevented and ladders are removed at all times when the pool is not in actual use.
- (8) **Portable Pools.** Portable pools over one foot in depth must be fenced as provided in section XVI (6) of this code, or shall be drained or covered after each day's use in such a manner as to provide public safety.

XVII. APPEALS

- (1) **Appealable Matters.** Any person aggrieved by an order, ruling or decision of the Building Inspector has a right of administrative appeal to the Town of Verona Board pursuant to section 68.01, Wisconsin State Statutes.
- (2) **Procedure.** Any person who objects to a ruling, a revocation of a permit, a notice of violation, or a special order issued by the building inspector under the provision of the code may appeal such ruling, revocation, notice or order in accordance with Chapter 68 Wisconsin Statutes

XVIII. VIOLATIONS AND PENALTIES

- (1) **Unlawful Acts.** No person, firm or corporation shall in the Town of Verona erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by this code, or cause, permit or suffer the same to be done, in conflict with or in violation of any of the provisions of this Code or fail to timely comply with any lawful order issued hereunder.
- (2) **Notice of Violation and Order.** The Building Inspector may serve a notice of violation and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such notice or order shall direct the

discontinuance of the illegal action or condition and the abatement of the violation. The Building Inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with section VIII (6) of this code.

- (3) **Prosecution.** If a notice of violation and order is not complied with promptly, the Building Inspector may request the Town Attorney to institute the appropriate proceeding at law or in equity to correct or abate such violation or require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the notice or order made pursuant thereto.
- (4) **Citations.** In the event that any person, firm or corporation fails or neglects to comply with a lawful order issued under the provisions of this code, the Building Inspector may issue a citation in accordance with Ordinance 85-2 of the Town of Verona Code of Ordinances imposing a forfeiture as provided in Section XVIII (6) of this code.
- (5) **Injunctions and Restraining Orders.** As a substitute for, or in addition to, forfeiture actions, the Town Attorney may, on behalf of the Town seek enforcement of any and all parts of this code by court action seeking an injunction or restraining order against the person responsible for the violation for the purpose of ordering that person to do one or more, of the following:
 - (a) Restrain, correct or remove the violation or refrain from any further execution of work.
 - (b) Restrain or correct the erection, installation or alteration of such building or structure.
 - (c) Require the removal of work in violation of the provisions of this code.
 - (d) Prevent the occupation or use of the building or structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.
- (6) **Forfeitures.** Any person, firm or corporation who shall violate or fail to comply with the provisions of this code or any lawful order of the Building Inspector issued pursuant thereto shall be subject to a forfeiture of not less than \$25, nor more than \$1000 together with penalty assessments and court costs. Each day that a violation or failure to comply continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.
- (7) **Relationship to Nuisance Actions.** No provisions of this code shall be construed to bar any private or public nuisance action to enjoin or abate the use or occupancy of any land or structure under the laws of the State of Wisconsin.

EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and the day after publication as provided by Law. Passed on the 7th day of January 2020 by the Town Board of the Town of Verona

Mark Geller, Town Chair

I, John Wright, Clerk/Treasurer of the Town of Verona, do hereby certify that the foregoing ordinance was duly passed and adopted by the Verona Town Board at the January 7, 2020, meeting.

John Wright, Clerk/Treasurer

Approved: January 7, 2020

Published in Verona Press: January 16, 2020

Effective: January 17, 2020

Revised 3/03/2020 by Ordinance 2020-02 to delete Section VI.(3)(b) and remove the word *electrical* from Section X.(1), effective 3/13/2020