

ORDINANCE

An Ordinance to amend Section 16.010 of the Manitowoc Municipal Code regulating Building Regulations.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 16.010 is amended to read as follows:

“16.010 Building Regulations.

(1) **Wisconsin Uniform Building Code.** The Wisconsin Uniform Building Code, prepared by the Building Inspectors’ Association of Southeastern Wisconsin, as amended from time to time, including future amendments, is hereby adopted by reference. A copy of the latest revision of the Wisconsin Uniform Building Code shall be permanently on file and open to public inspection in the office of the Director of Building Inspection.

(2) **Wisconsin Uniform Dwelling Code.** Wis. Admin. Code ~~Comm-20~~ Ch. **SPS 320** through ~~Comm-23~~ **Ch. SPS 325** of the Wisconsin Uniform Dwelling Code, as prepared by the State of Wisconsin Department of ~~Commerce, Safety and Buildings Division~~ **Safety and Professional Services Division of Industry Services**, and future amendments thereto, are hereby adopted by reference. A copy of the latest revision of the Wisconsin Uniform Dwelling Code shall be permanently on file and open to public inspection in the office of the Director of Building Inspection. In the event there is any conflict between the applicability of the Wisconsin Uniform Building Code and the Wisconsin Uniform Dwelling Code, the provisions of the Wisconsin Uniform Dwelling Code shall apply.

(3) Repealed November 18, 1992.

(4) **Building Permit Required** ~~—Fee. The provisions of the Wisconsin Uniform Building Code pertaining to building permits and fees shall apply with respect to any structure covered by the Wisconsin Uniform Building Code. With respect to structures governed by the Wisconsin Uniform Dwelling Code, no person shall build or cause to be built a one- or two-family dwelling without first obtaining a State Uniform Building Permit issued by the City of Manitowoc for such dwelling. All building permits shall be issued by the Department of Building Inspection. The building permit fee for permits obtained pursuant to the Wisconsin Uniform Building Code and the Wisconsin Uniform Dwelling Code shall use the Wisconsin Uniform Building Code and Wis. Admin. Code Comm 2 as a guideline and shall be set by resolution of the Common Council.~~ **No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this Chapter without first obtaining a building permit therefor from the Building Inspector or designee.**

(a) Information to accompany building permit application. A building permit application shall be deemed incomplete and no permit shall be issued unless all of the following are submitted:

- 1. Application.** Application for a building permit shall be made in writing upon a form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which the building is to be erected, if different. The application form shall also state the name and address of the designer and the legal description of the land on which the building is to be located, the location of the building, the house number thereof and such other information as the Building Inspector may require.
- 2. Plans.** Plans for buildings involving the Commercial State Building Code shall bear the stamp of “conditionally approved by the State Department of Safety and Professional Services Division of Industry Services” if required by Wis. Adm. Code Ch. SPS 361. One plan shall be submitted which shall remain on file in the office of the Building Inspector. When required by Wis. Adm. Code Ch. SPS 361, plans and calculations shall be signed and sealed by the licensed designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Wisconsin Adm. Code § SPS 320.09.

3. **Waiver of Plans.** At the option of the Building Inspector, plans, data, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
4. Any other data as may be required by the Building Inspector to illustrate the appropriateness and correctness of plans;
5. The building permit fee, which shall be set by resolution of the Common Council and which shall be doubled if the building permit application was not submitted prior to commencement of a job.

(b) Who May Obtain a Building Permit. Except as provided under Wis. Stat. §§ 101.654(1)(b) and (1)(c)(2), no person may obtain a building permit for a one- or two-family dwelling unless the person complies with all of the following:

1. Holds a Dwelling Contractor certification or a Dwelling Contractor Restricted certification issued by the Department;
2. Holds or engages, as an employee, a person who holds a certification issued by the Department as a Dwelling Contractor Qualifier.

A person who is the owner of a dwelling and who resides in the dwelling or will reside in the dwelling and who applies for a building permit to work on that dwelling is exempt from the certification requirement.

For a commercial, industrial or multi-family project the owner or agent may obtain the building permit.

(c) Posting of Permit. The building permit shall be posted prior to the commencement of work in a conspicuous place at the site.

(d) Permit Application Approval or Denial. The Building Inspector shall take action to approve or deny a building permit application within 10 days of receiving all necessary forms and information required to process the application. When a permit application is denied, the Building Inspector shall provide the applicant a written statement specifying the reason(s) for denial and send a copy of same to the applicant and dwelling owner specified on the application.

(5) **Additional Requirements.** In addition to any other requirements, no building permit shall be issued under the following circumstances:

- (a) To erect any dwelling or structure within any area that is designated as, or covered by an easement of any type or kind, unless the written consent of the easement holder is first obtained.

(6) Inspections. The Building Inspector may, as a condition of granting a building permit, enter any premises for which such permit was issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given to inspect such premises for compliance with all statutory and ordinance regulations concerning the construction, repair, use and location of such building. The building permit applicant shall be responsible for promptly notifying the Building Inspector whenever a permitted activity is ready for any required inspection. Failure to notify the building inspector of a final inspection may result in penalties as outlined in the adopted fee schedule. When requested by the Inspector, the building permit applicant shall supply the Inspector any information necessary to ascertain whether the permitted activity complies with all statutory or ordinance regulations. If an inspector is not able to otherwise ascertain compliance, the final inspection status shall be noted on file as “incomplete” or “failed” and a certificate of occupancy shall not be issued.”

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

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| Fiscal Impact: | minimal; required publication costs of ordinance update |
| Funding Source: | 2021 budgeted line item for publication costs |
| Finance Director Approval: | SMA |
| Approved as to form: | EMM |

This ordinance was drafted by Elizabeth Majerus, Assistant City Attorney.

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