

CHAPTER 14
BUILDING CODE

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14.01 AUTHORITY. These regulations are adopted under the statutory authority granted pursuant to §§101.65, 101.651, 101.76, and 101.761, Wis. Stats.

14.02 PURPOSE. The purpose of this chapter is to promote the health, safety, and general welfare of the Town, to protect property values and provide for orderly, appropriate development and growth of the Town.

14.03 DEFINITIONS. As used in this chapter, the following terms have the meaning prescribed herein and any item not defined herein shall follow the Wisconsin Administrative Code definitions.

(1) **BUILDING.** Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.

(2) **BUILDING INSPECTOR.** The individual or firm appointed by the Town to exercise all of the powers and duties of a building inspector under Wisconsin law.

(3) **CONSTRUCTION** Any part or portion of the activity of installing, locating, siting, erecting or raising a building.

(4) **CONTRACTOR.** Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies or materials.

(5) **DEMOLITION.** The activity of completely or partially destroying a previously erected or constructed building.

(6) **ELECTRICAL.** The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State or a person under the supervision of such an electrician.

(7) **HVAC.** An acronym which stands for heating ventilating and air conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

(8) **OCCUPANCY.** The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

(9) **OWNER.** The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

(10) **PLUMBING.** The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State or work under the supervision of such a plumber.

(11) **REPAIRS.** Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

(12) **STOP WORK ORDER** A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the Building Inspector has authorized the resumption of the construction project.

14.04 SCOPE. This chapter applies to all one- and 2-family dwellings, commercial buildings or structures, swimming pools, decks, residential accessory buildings and agricultural structures. Notwithstanding this section, this chapter shall not apply to children's play structures.

14.05 PERMIT REQUIRED. (1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Building Inspector. A building permit shall not be issued on any new construction until such a time that the driveway construction is complete through the road right-of-way portion of the driveway and final approval has been received from the Town of Kewaskum Engineer. (Ord # 2017-04)

(2) The construction which shall require a building permit includes, but is not limited to, the following:

(a) New buildings, including agricultural buildings, detached structures (decks) and detached accessory buildings.

(b) Additions that 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) Reroofing of commercial buildings, excluding accessory and agricultural structures.

(e) Alteration of plumbing, venting, electrical or gas supply systems.

(f) Any electrical wiring for new construction or remodeling.

(g) Any HVAC for new construction or remodeling.

(h) Any plumbing for new construction or remodeling.

(i) Any new or rewired electrical service.

(j) (Cr. Ord. #8-09) Outdoor wood boilers (furnaces). See sec. 17.19 of this Code.

(3) The following construction activities shall not require a building permit:

(a) Reroofing of one- and 2-family dwellings, residing, finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector.

(b) Reroofing of accessory or agricultural structures.

(c) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures, and dimmers.

(d) Replacement of major building equipment, including furnaces and central air conditioners, water heaters and any other major piece of equipment.

(e) Accessory structures 120 square feet or less.

14.06 ADOPTION OF STATE CODES. (1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Town and shall be enforced by the Building Inspector.

SPS 302.31	Plan Review Fee Schedule
SPS 305	Credentials
SPS 316	Electrical Code
SPS 320 - 325	Uniform Dwelling Code
SPS 361- 366	Commercial Building Code
SPS 375 - 379	Historic Building Code
SPS 366	Existing Building Code
SPS 380 - 387	Uniform Plumbing Code

14.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED. For the purposes of this chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

(1) Additions and alterations for one- and 2-family dwellings built prior to June 1, 1980.

(2) One- and 2-family detached accessory buildings which are not required to have concrete slabs or frostfree footings, but if installed, DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 321 shall be complied with. At a minimum, there shall be a pad of gravel with every building. Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood in compliance with DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 321.10.

14.08 CERTIFIED MUNICIPALITY STATUS. (1) CERTIFIED MUNICIPALITY. The Town has adopted the Certified Municipality Status, as described in DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 361.60

(a) *Responsibilities.* The Town shall assume the following responsibilities for the Department of Commerce (Department):

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 Town shall be submitted, if the plans are for any of the following:

1. A new building or structure containing less than 50,000 cubic feet of total volume.
2. 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.
3. 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.
4. An alteration of a space involving less than 100,000 cubic feet of total volume.
5. 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.
6. 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 require plan submission as follows:

1. Building permit application.
2. Application for review, SBD-118.
 - a. Fees per Table 2.31-2 and DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 302.31
 - b. Fees apply to all commercial projects
3. Four sets of plans.
 - a. Signed and sealed per DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 361.31
 - b. One set of specifications
 - c. Component and system plans
 - d. Calculations showing code compliance

14.09 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR.

(1) CREATION AND APPOINTMENT. There is hereby created the office of Building Inspector. The Inspector shall be appointed by the Town. The Inspector shall be certified for inspection purposes by the Department in the required categories specified under DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 305

(2) SUBORDINATES. The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified, as defined in DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES SPS 305, by the Department.

(3) DUTIES. The Building Inspector shall administer and enforce all provisions of this chapter.

(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 Inspector 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 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, the Inspector is authorized to apply for a special inspection warrant pursuant to §66.0119, Wis. Stats.

(5) INSPECTIONS. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.

- (a) Footing
- (b) Foundation
- (c) Rough Carpentry, HVAC, Electric and Plumbing
- (d) Drain Tile/Basement Floor
- (e) Under Floor Plumbing
- (f) Electric Service
- (g) Insulation
- (h) Final Carpentry, HVAC, Electric and Plumbing
- (i) Erosion Control

(6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.

(7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

(8) RECORDS. The Building Inspector shall perform all administrative tasks required by the Department under all Codes pursuant to sec. 14.06 of this chapter. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

14.10 SUBMISSION OF PLANS. The owner or contractor shall, with respect to any proposed construction or demolition, submit 2 sets of building plans to the Building Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Inspector for the Assessor. The Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

14.11 ISSUANCE OF PERMIT. (1) The Building Inspector shall issue the requested permit if the owner or contractor demonstrates that 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 from the street. Permits are valid for 2 years. A permit may be extended for 30, 90, or up to 180 days with the Inspector's approval and payment of permit fees.

(2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

(3) Permits are issued conditionally on the condition that the owner and/or contractor shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

(4) No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.

(5) No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.

(6) It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work.

14.12 ELECTRICAL LICENSING REQUIREMENTS. (1) Licensing requirements shall comply with licensing requirements found in *Wis. Stat. § 101.862*.

(1) EXCEPTION, WORK BY OWNER. A property owner may personally install electrical wiring in his/her own single-family residence owned by and occupied by the owner provided that such owner shall:

- (a) Apply for and secure a permit in accordance with succeeding sections.
- (b) Pay required fees.
- (c) Do the work himself or herself in accordance with this chapter.
- (d) Request or apply for inspections.
- (e) Receive approval of the Building Inspector.

(2) SALE OF ILLEGAL EQUIPMENT. No person shall keep or offer for sale or sell for use within the Town any apparatus, equipment or fixtures, designed or intended to be used for the production, transmission or utilization of electrical current or power if said apparatus, equipment or fixtures when installed for use would be in violation of any of the provisions of this chapter or would be unsafe or dangerous.

14.13 COMPLETION DEPOSIT REQUIRED. A deposit of \$1,000 is required for all single-family homes, new duplexes and new commercial projects. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection and the issuance of an occupancy permit, or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

14.14 OCCUPANTY PERMIT. If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

(1) (Cr. Ord. #2012-02) An occupancy permit under Chapter 14 of the Town Code shall not be issued unless the owner has demonstrated to the satisfaction of the Town Board that any property taxes, special assessments, special charges, or other claims owed to the Town of Kewaskum and, if applicable, Washington County have been paid in full.

14.15 UNSAFE BUILDINGS. Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in §66.0413, Wis. Stats.

14.16 RAZING AND DEMOLITION. (Am. Ord. 2013-01) (1) **DEMOLITION PERMIT REQUIRED.** No person may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Town Official. No person may undertake any steps to demolish the structure prior to receiving a permit.

(2) **APPLICATION.** An application for a permit to demolish all or part of a building shall include the following information:

(a) The name and address of the owner of the building on the date of application and, if different, on the date of demolition.

(b) The name, address and telephone number of the contractor(s) performing the demolition work.

(c) The date upon which demolition is to commence.

(d) The date by which demolition shall be complete.

(e) A list of all hazardous waste and hazardous and toxic substances, as defined by Wis. Adm. Code NR 706, contained in the building, a statement as to whether the building contains asbestos, as defined by Wis. Adm. Code NR 445, and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos; Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable State, Federal and local statutes, ordinances, and regulations.

(f) The name, address, and telephone number of the approved and permitted hauling contractor that must be used to transport and dispose of waste materials as defined by Wis. Adm. Code NR 706

(g) A description of the method of demolition to be used.

(h) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site.

(i) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service con-

nections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(3) **DEMOLITION.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(4) **CLEARING AND LEVELING THE SITE.** (a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Town Official so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration.

Ordinance 2013-01 amending 14.16 went into effect on June 6, 2013

14.17 MOVING BUILDINGS. (1) **GENERAL.** No person shall move any building or structure upon any of the public rights-of-way of the Town without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued. This section does not apply to manufactured homes in accordance with the Federal Fair Housing Act.

(2) **MOVING DAMAGED BUILDINGS.** No building shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause, including such moving and separation from its foundation and service connections in case of moved buildings 50% or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the Town. Furthermore, if the equalized assessed value of the building is not within 10% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 10% of the lowest equalized value of any of the surrounding buildings.

(3) **CONTINUOUS MOVEMENT.** The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be permitted to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(4) **STREET REPAIR AND INSPECTION.** Every person receiving a permit to move a building shall, prior to moving the building, accompany the Building Inspector and the Town Chairperson or his designee on an inspection of the route the building will travel within the Town limits. The applicant shall, within one day after said building reaches its destination, report the fact to the Inspector who shall thereupon, in the company of the Town Chairperson or his designee, inspect the streets and highways over which said building has been moved and ascertain the condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they

were before the permit was granted. On the failure of the said permittee to do so within 10 days thereafter to the satisfaction of the Town Board, the Board shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.

(5) CONFORMANCE WITH CODE. No permit shall be issued to move a building within or into the Town and to establish it upon a location within the Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this chapter in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this chapter and that when same are completed, the building, as such, shall so comply with this chapter. In the event a building is to be moved from the Town to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

(6) CASH DEPOSIT. (a) Before a permit is issued to move any building over any public way in the Town, the party applying for said permit shall make a cash deposit to the Town in a sum to be fixed by the Town, which sum shall not be less than \$5,000. Said cash deposit shall be held for indemnification of the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the Town in connection therewith, arising out of the removal of the building for which the permit is issued. The cash deposit shall be refunded if after the building is moved and the Inspector and the Town Chairperson or his designee have found the permit was complied with and no damages were caused by the move.

(b) The cash deposit required by par. (a) above shall be further conditioned upon the permittee erecting adequate barriers and, within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. The Inspector may waive the timelines in this paragraph if the Inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under 12 years of age.

(7) INSURANCE. The Building Inspector shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$500,000 and for one accident, aggregate not less than \$1,000,000, together with property damage insurance in a sum not less than \$500,000, or such other coverage as deemed necessary.

(8) APPLICATION APPROVAL BY TOWN. (a) Before any permit to relocate a building may be issued, the Town Board shall examine the application for the permit and approve the application by a majority vote.

(b) The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.

(c) The Town shall not grant a permit unless the Town Board has taken a view of the building proposed to be moved and of the site at which it is to be located.

(d) The Town may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved, or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the Zoning Code. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.

(e) In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash deposit of not less than \$5,000 with the Town to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This cash deposit shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town. The cash deposit shall be refunded after the exterior alterations are completed and the Building Inspector has found the building exterior complies with the approved plans and within the time frame set by the Town Board. The deposit shall be forfeited if the exterior of the building does not comply with the approved plans or if the time frame for completing the work is not adhered to.

(f) No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(g) Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the Town to consider the application. The Inspector shall inform the Town as to whether or not the application complies, in all respects, with all other ordinances of the Town. The Town may, if it desires, hold a public hearing on the permit.

14.18 FEES. At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Town. If work commences prior to permit issuance, the permit fee shall double.

14.19 VIOLATIONS AND PENALTIES. (1) Any building or structure hereafter erected, enlarged, altered, repaired or moved, or any use hereafter established, in violation of the provisions of this chapter, shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in sec. 25.04 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense nor shall any error, oversight or dereliction of duty on the part of the Inspector constitute a defense. Compliance with the provisions of this chapter may be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this chapter.

(2) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if permitted by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Inspector.

(3) Compliance with the requirements of this chapter 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 chapter shall constitute a public nuisance that may be enjoined in a civil action.

14.20 STOP WORK ORDER. The Building Inspector may issue a stop work order for a project to prevent further noncomplying work. No person may continue a construction project after a stop work order has been issued. The person who receives such a stop work order may contest the validity of the same by requesting a hearing before the Town. The Town shall hear the appeal within 7 days. The Town shall affirm the stop work order unless the owner or contractor shows that the Inspector erred in determining that the construction project violated a provision of the State building codes.

14.21 VARIANCE. The Town shall hear requests for variances from the building chapter to the extent the Town has authority to hear and grant variances. The Town shall approve, conditionally approve, or deny a requested variance. The Town may grant a variance from a chapter requirement only if the variance is permitted by State law and if the performance of the proposed variance is equal to or greater than the chapter requires.

14.22 APPEALS. Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town shall follow procedures explained in Ch. 68, Wis. Stats., to arrive at a final determination. Final determinations may be reviewed as explained in Department of Safety & Professional Services 320.21.

14.23 DISCLAIMER AND NONLIABILITY FOR DAMAGES. This chapter shall not be construed as an assumption of liability by the Town or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment. In all cases where any action is taken to enforce the regulations of this chapter, such action or act shall be considered as done in the name of and on behalf of the Town.

14.24 SEVERABILITY. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the chapter. The remainder of the chapter shall remain in full force and effect. Any other ordinances in conflict with the provisions of this chapter are hereby repealed as to those terms that conflict.