

ORDINANCE NO. 173**AN ORDINANCE TO REPEAL AND CREATE  
A NEW BUILDING CODE  
FOR THE VILLAGE OF OCONOMOWOC LAKE**

The Village Board of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin DO ORDAIN AS FOLLOWS:

**SECTION ONE  
PREVIOUS BUILDING CODES REPEALED**

All existing previously enacted building codes in the Village of Oconomowoc Lake are hereby repealed.

**SECTION TWO  
BUILDING CODE CREATED**

An ordinance creating a Building code for the Village of Oconomowoc Lake and setting permit fees for the same is hereby adopted to read as follows:

**14.01 BUILDING CODES ADOPTED.**

- (1) WISCONSIN ADMINISTRATIVE CODE. Except as otherwise specifically provided in this Ordinance, the current and future provisions describing and defining regulations with respect to building in the Wisconsin Administrative Code are hereby adopted and made a part of this chapter by reference as if fully set forth herein. Any act required to be performed or prohibited by any current or future provision incorporated herein by reference is required or prohibited by this Ordinance. Any future additions, amendments, revisions or modifications to the regulations incorporated herein are intended to be made a part of this Ordinance in order to secure uniform state-wide regulation of building in the State. In the event that there is a conflict between codes and/or interpretations, the most restrictive code and/or interpretation shall be enforced. The adopted code herein includes, but is not limited to the following:
- a. Chapters COMM 20-25 "Uniform Dwelling Code" (referred to herein as "Wisconsin Uniform Building Code").
  - b. Chapters COMM 50-64 "Building and Heating, Ventilating and Air Conditioning Code" commonly referred to as the "Commercial Building Code".
  - c. Chapter COMM 70 "Historic Buildings".
  - d. Chapters COMM 82-87 "Plumbing Code".
  - e. Chapter PSC 114, "Electrical Code" Vol. I.
  - f. Chapter COMM 16, "Wisconsin State Electrical Code" Vol II.

- g. Chapter COMM 67 "Rental Unit Efficiency".
  - h. Chapters COMM 75-79, "Existing Buildings".
  - i. Chapters COMM 5, 17, and 50.21 related to certification of inspectors.
  - j. Chapter HFS 172, "Public Swimming Places".
  - k. All other chapters of the Wisconsin Administrative Code applicable to the protection and maintenance of the public's health, safety and welfare.
- All amendments, changes and interpretations of the Wisconsin Administrative Code shall hereby be adopted as of their effective date of issuance or publication.

- (2) SCOPE. No person shall perform, and no homeowner shall authorize others to perform, any repairs, alterations, modifications, changes, additions, or new construction in the Village of Oconomowoc Lake, regardless of the cost of the project, unless and until a building permit has been issued from the Village Building Inspector; with the exception that if said work is being done entirely by licensed contractors, a building permit is only required if the cost of the project exceeds \$10,000. A building permit is not required for routine minor maintenance that do not include structural modifications or items such as floor coverings, wall coverings, cabinets, decorating, and the like, that do not include structural modifications. Although pursuant to the Zoning Code in most instances no building permit may be issued until the property has an approved certified survey map, the Village Administrator is hereby authorized to make a determination using his best judgment as to whether the proposed repair, alteration, modification, change, or other action are of a routine minor maintenance nature that a building permit is not necessary and therefore, a certified survey map is not necessary. An example of such a change includes but is not limited to electrical outlet installation and other similar non-structural changes. If there is a question as to whether or not a building permit is necessary and/or a certified survey map is necessary, the initial determination in this regard shall be made by the Village Administrator. Changes subsequent to the initial issuance of a building permit which would result in a need to change the permit shall require a new permit.
- (3) FEES. At the time of issuing any permit required under this chapter, the Wisconsin Statutes, Wisconsin Administrative code and/or the Wisconsin Uniform Building Code, the Building Inspector shall charge a fee as indicated hereafter or as indicated in the Wisconsin Uniform Building Code, except, where both provide a fee amount, the Inspector shall charge the greater of the Wisconsin Uniform Building Code or the fees as indicated hereafter. Fees shall be based on the actual cost of the repair, alteration, modification, change, addition, new construction, or other action involving structural modifications paid or to be paid by the property owner to the contractor or, if the work is being done by the property owner, the actual cost that the property owner would need to pay if he/she had hired outside contractors to do the work.

- (4) SCHEDULE OF PERMIT FEES. Fees shall be set by the Village Board by separate Resolution, which may be amended from time to time by Resolution of the Village Board.
- (5) ARCHITECTURAL CONTROL BOARD. Structural modifications, new construction or other proposals that warrant Architectural Control Board review are to be coordinated through the Village Administrator. Plans should be available for review at least one week prior to the Architectural Control Board meeting (3<sup>rd</sup> Monday of each month). These plans shall include setback measurements, topographical elevations and wetlands, if applicable. Any changes subsequent to the initial approval of the Architectural Control Board must be approved by the Architectural Control Board.

**14.02 BUILDING DEMOLITION.**

- (1) PERMIT REQUIRED. Prior to the demolition, razing or removal of any building in the Village where utilities are involved, a permit shall be issued, therefore, by the Village Administrator upon payment of the fee as set by resolution of the Village Board from time to time and on file in the office of the Village Administrator.
- (2) NOTICE TO UTILITIES. Before such permit shall be issued, the Village Administrator shall be satisfied that the owner or his agent has notified in writing all utilities having service connections with the building of his intention to so raze such building at least five days prior to the commencement of the razing, demolition or removal.
- (3) SERVICE CONNECTION SEALED. The Village Administrator or Building Inspector shall further establish and ascertain that all service connections and appurtenant equipment has been removed or sealed and plugged in a safe manner.
- (4) EXCAVATIONS FILLED. Excavations shall be filled with solid fill to match lot grade within 30 days of removal, of the structure. Such excavations shall be protected and enclosed with appropriate fences or barriers and lights, if required by the Building Inspector. If any premises are connected to sewer or water facilities that are to be abandoned, then the following shall apply:
  - (a) Septic Tanks. Any septic tank or distribution box on premises shall be pumped dry of its contents and filled with sand and compacted.
  - (b) Wells Filled. Any well on the premises shall be permanently abandoned by completely filling with concrete. Any pipe, pump or equipment inside the well or conduit shall be removed before filling with concrete.

**14.03 BUILDING INSPECTOR.**

- (1) The Village Board shall appoint the Building Inspector. The Building Inspector shall be compensated as determined by the Village Board. The Building Inspector shall be subject to removal from office by the Village Board.
- (2) The Building Inspector shall supervise and approve inspected work, whether repairs, alterations, modifications, changes, additions, new construction, or any other actions involving structural modifications occurring with the Village of Oconomowoc Lake.
- (3) The Building Inspector shall keep complete records of all inspections.
- (4) The Building Inspector shall assist the Village Attorney in prosecution of code violations.
- (5) The Building Inspector and/or Village Administrator shall be permitted access to premises and structures to make those inspections as deemed necessary by him/her to ensure compliance with this code.
- (6) The Building Inspector and/or Village Administrator shall prohibit the use or erection of any structure, land or water, until he/she has inspected and approved such use or erection.
- (7) The Building Inspector and/or Village Administrator shall request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.

**14.04 NOTICE TO PROPERTY OWNER.** In addition to the requirements of this Ordinance, the property owners are hereby put on notice that they are subject to all other rules, laws, ordinances and regulations of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin, and federal government, including but not limited to, the Zoning Code, Subdivision and Platting Ordinance, Shoreland-Wetland Zoning Code, and Erosion Control Ordinance. The property owner is hereby advised that obtaining a building permit in no way relieves the property owner of satisfying all terms and conditions of all rules, laws, ordinances and regulations of the Village of Oconomowoc Lake, Waukesha County, State of Wisconsin, and federal government.

**14.05 PENALTY.**

- (1) Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any rule or regulation adopted hereunder shall be subject to a penalty as provided in s.25.04 of this Municipal Code.

- (2) If section 25.04 of this Municipal Code has not been adopted by the Village Board, then any person violating the provision of this Code, shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (a) First Offense. Any person who shall violate any provision of this Ordinance shall upon conviction thereof, forfeit not less than \$20.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.
  - (b) Second Offense. Any person found guilty of violating any provision of this Ordinance who has previously been convicted of a violation of the same provision within one year, shall forfeit not less than \$20.00 nor more than \$500.00 per day for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 6 months.
  - (c) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

### **SECTION THREE SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections, or portions of the ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

### **SECTION FOUR EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 15 day of March, 1999.

VILLAGE OF OCONOMOWOC LAKE:

  
RAYMOND O. FOSTER, JR.  
VILLAGE PRESIDENT

ATTEST:

  
CINDY SCHLIEVE, DEPUTY CLERK

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

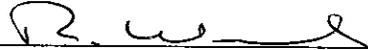
AFFIDAVIT OF POSTING

ORD 173

The undersigned, being first duly sworn, on oath deposes and states that on March 26, 19 99, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

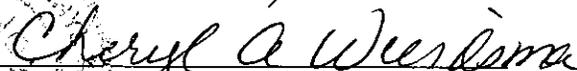
to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive of South Beach Road leading into the Fischer, Lowry, et al properties.

  
\_\_\_\_\_  
Posting Officer

Subscribed and sworn to before me

This 26 day of March, 19 99

  
\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin

My Commission expires: 11-14-99

