

**TITLE XV: LAND USAGE**

**Chapter**

**150. GENERAL REGULATIONS**



## CHAPTER 150: GENERAL REGULATIONS

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### § 150.01 BUILDING INSPECTOR.

(A) *Appointment.* The Building Inspector shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of 1 year.

(B) *Compensation.* He or she shall receive compensation as shall be fixed by the Common Council from time to time.

(C) *Powers and duties.*

(1) *Powers.*

(a) The Building Inspector shall enforce the state codes adopted under § 150.02 and all of the provisions of this chapter, Ch. 154 and all other ordinances, the administration of which shall be delegated to him or her by the Common Council.

(b) In carrying out his or her powers and duties, the Building Inspector may, at all reasonable times, enter upon public or private premises and make inspections thereof, and he or she may require the production of any building permit required under this chapter or Ch. 154.

(2) *Duties.*

(a) The Building Inspector shall keep a record of all applications for building permits and mobile home and mobile home park permits in a book provided by the city for that purpose.

(b) He or she shall make an annual written report to the Common Council on or before April 1, giving a general summary of the work of his or her office during the preceding year. (1989 Code, § 14.01)

### **§ 150.02 STATE CODES ADOPTED.**

The following provisions of the Wisconsin Administrative Code, so far as applicable, are adopted by reference and made a part of this chapter:

(A) Building Code - Wis. Adm. Code, Chs. Comm. 60-65.

(B) Electrical Code - Wis. Adm. Code, Ch. Comm. 16.

(C) Flammable Liquids Code - Wis. Adm. Code, Ch. Comm. 10.  
(1989 Code, § 14.02)

### **§ 150.03 UNIFORM DWELLING CODE.**

(A) *Authority.* These regulations are adopted under the authority granted by Wis. Stats. § 101.65.

(B) *Purpose.* The purpose of this section is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(C) *Scope.* The scope of this section includes the construction and inspection of 1- and 2-family dwellings built since June 1, 1980. This section also includes the construction and inspection of garages and other residential outbuildings or to alterations and additions to dwellings built since June 1, 1980.

(D) *Wisconsin Uniform Dwelling Code adopted.* The Wisconsin Uniform Dwelling Code, Wis. Adm. Code, Chs. Comm. 20-25, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this section.

(E) *Building Inspector.* There is hereby created the position of Building Inspector, who shall administer and enforce this section and shall be certified by the Division of Safety and Buildings, as specified by Wis. Stats. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (Note: Contact the Division of Safety and Buildings at (608) 261-8500 for certification information.)

(F) *Building permit required.* No person shall alter, in excess of \$20,000 value within any 12-month period, build, add on to or alter any building within the scope of this section without first obtaining a building permit for the work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of

an installation to its previous code-compliant condition, as determined by the Building Inspector, is exempt from permit requirements. Residing, reroofing, finishing of interior surfaces and installations of cabinetry shall be exempt from permit requirements.

(G) *Building permit fees.* The building permit fee shall be determined by resolution. (Ord. 617, passed 5-1-2000) Penalty, see § 150.99

#### **§ 150.04 PERMIT REQUIRED.**

No building shall be constructed, enlarged, repaired or altered at a cost of more than \$300 without a permit therefor from the Building Inspector. A permit shall be likewise required for plumbing and electrical work which is included in the construction, enlargement, repair or alteration or which by itself exceeds \$300 in cost. The fee for the permit shall be as determined by the Common Council. (1989 Code, § 14.04) Penalty, see § 150.99

#### **§ 150.05 UNSAFE BUILDINGS.**

(A) Whenever the Common Council or officer designated by the Council within the city shall determine that in its judgment any building located within the city is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use so that it would be unreasonable to repair the same, it may order the owner of the premises to raze and remove the building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary the building or to raze and remove the same at the owner's option.

(B) Such findings that a building is unfit for human habitation, occupancy or use shall be made in writing and filed with the City Clerk-Treasurer and made a part of the minutes of the meeting at which the finding was made, and the order shall state whether or not the building can be repaired.

(C) (1) Such findings shall be communicated to the owner together with an order which shall specify the time in which the order shall be complied with and, if repairs can be made or are ordered to be made, the repairs shall be specified.

(2) The order requiring razing of the building or repair thereof or correction of an insanitary condition shall be served upon the owner of record or his or her agent, where an agent is in charge of the building, and upon the holder of any encumbrance of record in the manner provided for service of summons in a circuit court.

(D) If the owner of a building or any encumbrance of record cannot be found, the order may be served by posting on the main entrance of the building and by publishing in the official newspaper of the city 2 consecutive publications at least 10 days before the time limited in the order commences to run.

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(E) If the owner shall fail or refuse to comply within the time prescribed in the order, the Common Council, or other designated officer, shall cause the building or part thereof to be razed and removed in the manner specified in Wis. Stats. § 66.0413.

(F) Any salvaged materials may be sold by the city to defray the cost of razing the building and the surplus, if any, paid to the owner of record.

(G) If the building or part thereof is insanitary and unfit for human habitation, occupancy and use and is not in danger of structural collapse, the Building Inspector or other officer designated by the Common Council shall post a placard on the premises containing the following words: "This building cannot be used for human habitation, occupancy or use." The Building Inspector or other designated officer shall prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. Any person who shall rent, lease or occupy a building which has been condemned for human habitation, occupancy or use shall be subject to a forfeiture of not less than \$5 nor more than \$50 for each week of the violation or part thereof.

(H) Wis. Stats. § 66.0413, so far as it is applicable, is hereby made a part of this section. (1989 Code, § 14.05)

### § 150.06 FIRE LIMITS.

(A) *Fire limits described.* All that part of the City of Mineral Point which is embraced within the following limits shall be known as the fire limits, to-wit: The B-C Central Business District under the Zoning Code.

(B) *Definitions.* The terms fire-resistive construction, mill construction, ordinary construction, frame construction and fire-retardant roof covering shall have the meaning as defined in Wis. Adm. Code, §§ 51.00, 51.01, 51.02, 51.03 and 51.07.

(C) *Regulations within fire districts.*

(1) *Requirements.* Every building hereafter erected, remodeled, altered, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be of 1-hour fire-resistive walls in an existing building enlarged, altered or remodeled after the effective date of this code and of 4-hour fire-resistive walls in buildings erected or moved in the fire district after the effective date of this code, as provided in Wis. Adm. Code § 51.05, which is hereby made a part of this chapter with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.

(2) *Exceptions.* No building of frame construction shall be constructed within the fire district except the following, and no such building or structure shall be located within 5 feet of any lot line or structure:

- (a) Temporary 1-story frame buildings for use of builders;
- (b) One-story sheds not over 15 feet high, open on the long side and with an area not exceeding 500 square feet. A wooden fence shall not form the back or side of such sheds;
- (c) Greenhouses not more than 15 feet in height; and
- (d) Private garages for not more than 2 noncommercial automobiles, if not over 15 feet high and not more than 250 square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.

(D) *Fire retardant roofing.*

(1) Every roof hereafter constructed within the fire district, including buildings listed in division (C) above, shall be covered with a roofing having a fire-resistive rating equivalent to Class B or better of the Underwriters Laboratories, Inc., classification.

(2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of division (D)(1) of this section. (1989 Code, § 14.06)

**§ 150.07 COMPREHENSIVE PLAN ADOPTED.**

(A) Pursuant to Wis. Stats. § 62.23(2) and (3), for cities, villages and towns exercising village powers under Wis. Stats. § 60.22(3), the city is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stats. §§ 66.1001(1)(a) and 66.1001(2).

(B) The Common Council of the City of Mineral Point, Wisconsin, has written procedures designed to foster public participation in the preparation of a comprehensive plan as required by Wis. Stats. § 66.1001(4)(a).

(C) The Plan Commission of the city, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the document entitled "City of Mineral Point Comprehensive Plan" containing all of the elements specified in Wis. Stats. § 66.1001(2).

(D) The city has held at least 1 public hearing on this section, in compliance with the requirements of Wis. Stats. § 66.1001(4)(d).

(E) The Common Council of the city does, by enactment of this section, formally adopt the document entitled "City of Mineral Point Comprehensive Plan" pursuant to Wis. Stats. § 66.1001(4)(c).

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(F) This section shall take effect on April 1, 2005 upon passage by a majority vote of the members-elect of the Common Council and posted as required by law.  
(Am. Ord. 673, passed 3-1-2005)

**§ 150.99 PENALTY.**

(A) The Council shall provide for the enforcement of this chapter and all other laws and ordinances relating to buildings by means of withholding building permits, imposition of forfeitures and injunctive action pursuant to Wis. Stats. § 62.23(9).

(B) Unless otherwise provided, any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, upon conviction, shall be subject to a penalty as provided in § 10.99 of this municipal code.  
(1989 Code, § 14.07) (Am. Ord. 371, passed - -)

(C) The enforcement of § 150.03 and all other laws and ordinances relating to buildings shall be by means of the withholding or building permits, in position of forfeitures and injunctive action. Forfeitures of not less than \$25 nor more than \$100 for each day of noncompliance.  
(1989 Code, § 14.03) (Am. Ord. 371, passed - -; Am. Ord. 617, passed 5-1-2000)