



TITLE 4
BUILDING REGULATIONS

Chapter 1

Building Code
2015-02-17

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4-1-1: Title: This Chapter shall be known as the BUILDING CODE OF THE CITY OF MONROE and shall be cited as such.

4-1-2: Purpose: This chapter provides certain minimum requirements for safe and stable design methods and construction and uses of materials, for electrical installations, for plumbing installations and for heating, ventilating and air conditioning installations in buildings or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use and occupancy of all buildings or structures. The provisions of this code shall be deemed to supplement any and all laws of the State of Wisconsin and regulations of the Wisconsin Administrative Code, specifically including but not limited to those chapters adopted herein by reference.

4-1-3: Scope: No building, structure or premises shall hereafter be constructed, altered, repaired or removed, nor shall the equipment of a building or structure or premises be constructed, installed, altered, repaired or removed except in conformity with this chapter.

4-1-4: Wisconsin Administrative Code adopted: The following chapters of the Wisconsin Administrative Code are hereby adopted by reference, including subsequent amendments, additions and recodifications thereto:

- SPS 305 (Licenses, Certifications and Registrations)
- SPS 316 (Electrical Code)
- SPS 320-325 (Uniform Dwelling Code)
- SPS 361-366 (Wisconsin commercial building codes)
- SPS 381-387 (Plumbing Code)

4-1-5: Change of use, maintenance: When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then the building or structure shall be made to comply with the new use as provided in this chapter.

4-1-6: Prohibitions: It shall be unlawful for any person to maintain, occupy or use a building or structure, or part thereof, that has been erected or altered in violation of this chapter.

4-1-7: Permits required: No building or structure or any part thereof shall hereafter be built, enlarged, altered, moved on to a



site or demolished within the city, or permanent building equipment installed unless a permit therefor shall first be obtained from the building inspector by the owner or the owner's agent. No building permit is required for work to be performed which is minor repair or minor maintenance of a building or structure. Work consisting only of maintenance or repair the cost of materials for which is less than \$1,000 and which does not change the occupancy, area, structural strength, fire protection, exits, lights, sanitation or ventilation of a building or structure shall be presumed to be minor repair or minor maintenance. Any person desiring a permit required by this chapter, shall file an application in writing on a form to be furnished by the building inspector for that purpose. The application shall be made by the owner, the owner's agent, or the architect, engineer or builder employed in connection with the proposed work.

(A) Format of plans and specifications: Plans and specifications shall be submitted both in printed form and electronically in portable document format [PDF]. Three complete printed sets of identical plans and specifications shall be submitted. The building inspector may waive the requirement that plans and specifications be submitted electronically in PDF if the applicant demonstrates that submission electronically is not reasonably possible.

(B) Time limit for issuance of permit: Except as otherwise provided herein, upon submission of all material required by this section, the building inspector shall not be required to issue the requested permit before the expiration of the following periods:

1. Normal processing: Five days, exclusive of weekends and legal holidays.

2. Expedited processing: Two days, exclusive of weekends and legal holidays, if the applicant has rendered the required fee for expedited processing. The fee for expedited processing shall be the normal permit fee multiplied by 1.5.

4-1-8: Plan examination: The building inspector shall conduct plan examinations for buildings and structures, except state owned buildings and structures, if the plans are for:

(A) A new building or structure containing less than 50,000 cubic feet of total volume;

(B) 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;

(C) An addition to a building or structure 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; or

(D) An alteration of a space involving less than 100,000 cubic feet of total volume;

4-1-9: Permits: After the application, plans and specifications filed by an applicant for a permit have been checked by the building inspector and have been found to be in conformity with the requirements of this chapter, the existing zoning regulations of the City and all other applicable laws, the building inspector shall upon payment of the required fee stamp or endorse in writing on the plans and specifications his or her approval and issue a permit for the construction.

(A) Approved plans and specifications: One set of approved plans and specifications shall be retained by the building inspector and two sets of approved plans and specifications shall be returned to the applicant. One of the applicant's sets of approved plans and specifications shall be kept on the site of the work at all times during which the work is in progress and shall be open to inspection by authorized inspectors.

(B) Posting of permit card: The building inspector shall issue a permit card properly filled out with every permit issued. The applicant shall post the permit card in a conspicuous place on the building, structure or premises where the work is being done, unobstructed from the public view.

(C) Written consent required for change: Approved plans and specifications shall not be changed in any respect which may involve any provision of this chapter except with the written consent of the building inspector.

(D) Validity: The issuance of a permit shall not prevent the building inspector from thereafter requiring the correction of errors in the plans and specifications nor from ordering a stop to work being carried on in violation of this chapter or applicable law.

(E) Staking: The lot, block or tract and the location of the buildings or structures thereon shall be staked out on the ground before construction is commenced.

(F) Access to construction site: The building inspector shall, as a condition of the issuance of a permit required by this chapter, have the right to enter the premises for which said permit is issued at any reasonable time during the course of the work and until final inspection and approval thereof has been given, for the purpose of inspecting said premises and its compliance with all regulations relating to the construction, repair, use, and location of buildings or structures.

4-1-10: Term of permit:



(A) Residential: The term of permit for uniform one-and two-family dwellings and manufactured buildings or dwellings shall be two years.

(B) Other: Every permit not covered under subsection (A) of this section shall expire if the work authorized by the permit is not commenced within six months from the date of the permit. If any work in progress is suspended or abandoned for a period of six months the permit shall expire regardless of when the work was initially commenced. Before the work can be resumed, a new permit shall be obtained.

4-1-11: Failure to obtain permit:

(A) Double fees: In addition to any other penalty for a violation of this chapter, a person who proceeds with work for which a permit is required under this chapter before obtaining a permit shall pay twice the fee otherwise required by this chapter. The payment of a double fee shall not relieve any person from any of the requirements of this chapter.

(B) Duty of police officers: It shall be the duty of all police officers to report at once to the building inspector any work for which a permit is required by this chapter and for which the required permit has apparently not been obtained.

4-1-12: Inspections: Buildings and structures and the lot or premises on which they are placed shall be inspected by the building inspector or his or her designee at such time and in such manner as may be necessary to secure compliance with the laws, rules, orders and approved plans applicable thereto.

(A) Progress Inspections: The following progress inspections are the minimum required at each permitted project unless waived by the building inspector:

1. Erosion control inspection: Erosion control inspections shall be performed concurrently with all other required construction inspections.

2. Foundation footing and excavation inspection: The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and prior to the placement of the permanent foundation material.

3. Foundation reinforcement inspection: The placement of reinforcement shall be inspected where the reinforcement is required for code compliance.

4. Foundation inspection: The foundation shall be inspected after completion. Where damp proofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected prior to backfilling.

5. Rough inspection: A rough inspection shall be performed for each of the following construction categories after the rough work is completed but before it is concealed:

- (a) General construction, including framing.
- (b) Electrical.
- (c) Plumbing.
- (d) Heating, ventilating and air conditioning.

6. Insulation inspection: An inspection shall be made of the insulation and vapor retarders after they are installed but before they are concealed.

(B) Final Inspection: All buildings, structures or additions and alterations thereto shall have final inspection upon completion and before occupancy, except as herein provided. If, on the final inspection no violation of this or any other code, law or order is found, the fact shall be so certified to by the zoning administrator and building inspector, who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used. No building or part thereof shall be occupied until such final inspection is conducted and certificate has been issued except with the written consent of the building inspector, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. The certificate of occupancy may be waived for accessory buildings and structures, small additions, minor alterations or those projects where no zoning ordinance requirements are affected.

(C) Inspection requests: Inspection requests under the provisions of this chapter shall be made in writing or orally by the permit holder or his or her authorized agent when the work is ready. The building inspector or his or her designee, shall perform the requested inspection by the end of the second business day following the day of notification, not including Saturday, Sunday or legal holidays, and upon completion of such inspection shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the same fails to comply with the code and the nature of any deficiency. Construction may proceed if the inspection has not taken place within the required time span.



(D) Electrical inspections in public buildings and places: Pursuant to section SPS 316.920(2) of the Wisconsin Administrative Code, the City shall exercise jurisdiction over the inspection of electrical construction in public buildings and places of employment.

4-1-13: Certificate of occupancy:

(A) New construction: It shall be unlawful for an owner to use or permit the use of any building or structure or part thereof hereafter created, erected, changed, converted, or enlarged, or moved wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued by the building inspector. Such certificate shall show that such building or structure, or part thereof, and the proposed use thereof are in conformity with the provisions of this chapter and any other regulations of the City.

(B) Change of use: The use or occupancy of any building or structure shall not be changed until a certificate of occupancy permitting the new use or occupancy is issued by the building inspector when the new occupancy is such as to require alterations or repairs of the building or structure, as specified in this chapter. No such certificate of occupancy shall be issued unless the building or structure shall comply with the requirements of this chapter and any other codes of the City governing the use and occupancy of buildings or structures.

4-1-14: Powers and duties of building inspector:

(A) Enforcement: The building inspector is hereby authorized and directed to enforce all of the provisions of this chapter.

(B) Right of entry: The building inspector or his or her authorized representative may enter any building or structure during reasonable hours for the purpose of performing his or her duties and responsibilities under this chapter or to prevent violations of this chapter, upon presentation of proper credentials.

(C) Work stoppage: Whenever any work is being done contrary to the provisions of this chapter, or in an unsafe, unworkmanlike or dangerous manner, the building inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building inspector to recommence and proceed with the work.

(D) Unlawful use of building or structure: Whenever any building or structure or portion thereof is being used or occupied contrary to the provisions of this chapter, the building inspector shall order such use or occupancy discontinued, and the building or structure or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or structure or portion thereof within 10 days after receipt of such notice, or make the building or structure or portion thereof comply with the requirements of this chapter.

(E) Condemnation of building or structure: Any building or structure or portion thereof which violates the provisions of this chapter, due to removal, decay, deterioration of any appliance, device or requirement originally required by this chapter, or which has become damaged by the elements or fire to an extent of 50 percent of its assessed valuation may be condemned by the building inspector.

(F) Exposure of structural frame: The building inspector may order portions of the structural frame of a building or structure to be exposed for inspection when in his or her opinion they are in an unsafe condition.

(G) Notice: In any of the aforesaid cases the building inspector shall serve notice in writing on the owner, reputed owner or person in charge of such building or structure, setting forth what must be done to make such building or structure safe.

(H) Correction of deficiencies: The person receiving such notice shall commence within 48 hours thereafter to make the changes, repairs or alterations set out in such notice and diligently proceed with such work or demolish the building or structure. No such building or structure shall be occupied or used for any purpose after the building inspector serves written notice of its unsafe and dangerous condition until the instructions of the building inspector have been complied with.

(I) Failure to comply: If at the expiration of the time as set forth in the first notice, the instructions as stated have not been complied with, a second notice shall be served personally upon the owner, his or her agent or the person in possession, charge or control of such building or structure or part thereof; stating such precautionary measures as may be necessary or advisable to place such building or structure or part thereof in a safe condition. Should the necessary changes not be made within 30 days after service of such second notice, the building inspector shall institute an appropriate action or proceeding at law or in equity to restrain, correct or remove such violations and compel compliance. In case of emergency or where such second notice has not been complied with, the building inspector may proceed with the work specified in such notice, and cause the cost of same to be paid and levied as a lien against the property.

4-1-15: Zoning restrictions: The restrictions of the Zoning Regulations of this Code with respect to the location of trade and industries, the use and occupancy of buildings or structures, the height and bulk of buildings or structures, and the areas of



yards, courts and other open spaces, shall not be deemed to be modified by any provisions of this chapter, and such restrictions shall be controlling except insofar as this chapter imposes greater restrictions by reason of the type of construction used, in which case the provisions of this chapter shall control.

4-1-16: Street encroachments:

(A) General: Except as otherwise provided in this Section, no part of a building or structure hereafter erected or of an enlargement of a building or structure heretofore erected shall project beyond a street line or a building or structure line.

(B) Projections removable: A part of a building or structure permitted to project beyond a street line or building or structure line shall be so constructed that its removal may be made without causing the building or structure to become structurally unsafe.

(C) Structural support: No part of a building or structure or of an enlargement of a building or structure that is necessary for structural safety shall project beyond the property line or building or structure line, but this shall not be deemed to prohibit the projection of the footings of street walls beyond the street line or beyond the building or structure line within the street line, to the extent of not more than 12 inches.

(D) Permissible projections: Under the conditions prescribed in this Section and within the limitations specified herein, the following projections shall be permissible:

1. No person shall erect, repair or maintain any awning over any sidewalk or street within the City, contrary to any of the provisions of this Section. No person shall erect or repair any awning over the sidewalk or street without first obtaining a permit from the building inspector.

2. Any awning framework shall be at least 7 ½ feet in height, above the highest point of the walk. The lowest point of flap or fringe of such awning shall at no point be less than 7 feet above the sidewalk immediately beneath it, and shall not extend closer than two feet from the inner curb line. Wooden awnings shall not be installed in the fire district, except that "Swiss type" or similar awnings may be permitted by the building inspector.

3. Marquees at entrances to buildings or structures may extend beyond the building or structure line and across the sidewalk to within two feet of the curb line, provided that they are not less than 10 feet above the curb level at all points, and, within the fire limits, are constructed of incombustible materials. They shall be securely supported from the building or structure, and shall be properly drained.

4. Cornice moldings, belt courses, lintels, sills, architraves, pediments and similar projections of a decorative character may extend beyond the building or structure line not more than four inches when they are 10 feet or more above curb level. The only exception to the above shall be for "Swiss type or similar" fronts which shall not extend beyond the building or structure line more than 30 inches.

5. Entrance doors on streets and alleys shall be hung hereafter so as not to project, when fully opened, beyond the building or structure line without a permit authorized by the Board of Public Works.

6. Fire escapes and balconies to fire towers or other required exits, constructed of steel or other incombustible material, when required, shall not project beyond the property line on streets, alleys and public grounds, including municipal parking areas unless impractical to do otherwise, and with permission of Board of Public Works.

7. Areas projecting beyond the building or structure line which are to be entirely below the sidewalk level may be installed only by permission from the Board of Public Works.

(E) Limitations: Nothing in this Section shall be deemed to authorize a projection beyond the property line or building or structure line that is prohibited by the Zoning Regulations of this Code or by any other law.

(F) Alterations: No change or enlargement shall be made to an existing part of a building or structure now projecting beyond the property line except in conformity with the provisions of this Section for new construction.

(G) Existing encroachments: Parts of buildings or structures which already project beyond the property line or building or structure line may be maintained as constructed until their removal is directed by the City.

4-1-17: Rainwater leaders: It shall be unlawful to allow downspouts or rainwater leaders from roof gutters to spill the water in such manner as to overflow the adjacent property. Anyone causing or allowing such condition to exist shall, upon notice in writing, cause such condition to be corrected within 10 days after receiving such notice.

4-1-18: Design and workmanship:



(A) Generally accepted good practice required: Design of structural members and workmanship in the fabrication and preparation of materials and in their installation, shall conform to generally accepted good practice. Specific provisions of this chapter shall be controlling, but shall not be deemed to suspend other requirements of good practice which shall be regarded as supplementing such specific provisions. Except as may be otherwise provided in law, or in this chapter, or in duly promulgated regulations, the standards of Federal or State agencies, National technical organizations, or fire underwriters shall be deemed to be generally accepted good practice.

(B) Working stresses: All parts of buildings and structures, dwellings and accessory buildings or structures shall be so designed that the safe stresses of the materials used are not exceeded.

(C) Details and connections: All members shall be so framed, tied and braced as to develop the strength and rigidity necessary for the purpose for which they may be used. No member shall be stressed in excess of the strength of its details and connections.

4-1-19: Roofed passageways: Whenever in the opinion of the building inspector it is necessary for the protection of the public, the owner or contractor shall erect a roofed passageway in front of every building or structure to be constructed, altered or repaired on or near the lot line of any street. Such passageway shall extend over the sidewalk for a distance of not less than six feet and shall have a clearance of seven feet, and shall be approved by the building inspector.

4-1-20: Repairs to existing buildings or structures, damaged buildings or structures:

(A) Every building or structure heretofore or hereafter erected shall be kept in good repair to maintain the conditions of safety and habitability prescribed by this chapter, or the Housing and Property Maintenance Code.

(B) Every building or structure that may be damaged by fire or otherwise shall be examined by the building inspector before a permit is issued to repair or replace the same, and such parts of said building or structure as in his or her opinion are unsafe or damaged to an extent that will impair the safety of the reconstructed building or structure, shall be taken down.

4-1-21: Unsafe buildings or structures:

(A) A building or structure that may be or shall at any time hereafter become dangerous or unsafe, shall, unless made safe and secure, be taken down and removed.

(B) A building or structure declared structurally unsafe by the building inspector may be restored to safe condition; provided, that if the cost of reconstruction or restoration is in excess of 50 percent of the assessed valuation of the building or structure exclusive of foundations, such building or structure, exclusive of foundations, if reconstructed or restored, shall be made to conform with respect to materials and type of construction to the requirements for buildings and structures hereafter erected.

(C) Upon receipt of information that a building or structure or part thereof is dangerous to life, health or adjoining property, by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, the building inspector shall make or cause to be made an inspection and if it is found that an unsafe condition exists, he or she shall serve or cause to be served on the owner or some one of the owners, executors, administrators, agents or lessees or other persons who may have a vested or contingent interest in the same a written notice containing a description of the building or structure deemed unsafe, a statement of particulars in which the building or structure is unsafe, and an order requiring the same to be made safe and secure or removed as in the judgment of the building inspector may be necessary; and he or she shall affix a notice of such order by placing a card with the inscription "This Building Cannot Be Used For Human Habitation, Occupancy or Use" in a conspicuous place on the outside wall of the building or structure, and no person shall remove or deface such notice. The owner or person upon whom such notice was served shall thereupon immediately cause the same to be made safe or to be removed, as ordered; and if any such building or structure is used for any purpose requiring a license, the building inspector may cause such license to be revoked until the building or structure is made safe to comply with the requirements of this chapter.

(D) If the person served with a notice or order to remove or repair an unsafe building or structure shall fail, within a reasonable time, to comply with the requirements thereof, or where the public safety requires immediate action, the building inspector may enter upon the premises, with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the cost of such work may be recovered by the City in an action against the owner or tenant or cause the same to be paid and levied as a lien against the property.

4-1-22: Demolition or razing of buildings and structures:

(A) Demolition permit required:

1. No person, or his or her agent or servant, shall demolish or cause to be demolished any building, structure or part



thereof without first obtaining a permit from the building inspector.

2. Whenever a building or structure shall be demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun, and no material shall be placed in such manner as to overload any part of such building or structure in the course of demolition, and all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately upon displacement, and all dry mortar, mortar, lime, brick dust or other flying material shall, before and during removal, be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property and all sidewalks shall be protected by fences and scaffolds as required by this chapter for the protection of sidewalks during the erection of buildings or structures.

3. The building site of any building or structure hereafter demolished shall be properly cleared of all debris and rubbish and shall be properly graded and leveled off to conform with the adjoining grade of the neighborhood, or fenced in with one inch by six inch solid board fence post less than six feet in height.

(B) Razing of buildings or structures: The provisions of subsection (2) of section 66.0413 of the Wisconsin Statutes entitled "RAZING OF BUILDING THAT IS A PUBLIC NUISANCE; IN REM PROCEDURE" are hereby adopted as though fully set forth herein. The building inspector, health officer, chief of the fire department and city attorney are hereby designated as the officers to carry out the provisions hereof.

4-1-23: Appeal from building inspector order: Any person aggrieved by a decision of the building inspector may appeal the decision to the Council. A two-thirds vote of the alderpersons present shall be necessary to reverse the decision of the building inspector.

4-1-24: Fees: Fees for plan examination and for issuance of any permit required by this chapter shall be set by resolution of the Council. All city departments and agencies shall be exempt from the payment of fees required by this chapter. Notwithstanding the forgoing fees required by this chapter shall be paid for plan examination and for issuance of any permit for work performed by the housing authority, water utility, storm water utility or wastewater treatment plant.

4-1-25: Penalty: Any person who violates any part of this Chapter shall be subject to a Class 2 forfeiture. A separate offense exists for each calendar day during which a violation occurs or continues.