TOWN OF DOVRE

BARRON COUNTY, WISCONSIN

ORDINANCE NO. 2025-2

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. #1, 2011; 2014-6; 2018-2; AND 2023-1 REGARDING BUILDING CODES, PROCEDURES, AND INSPECTIONS

The Town Board of the Town of Dovre, Barron County, Wisconsin, hereby ordains Ordinance Nos. #1, 2011; 2014-6; 2018-2; and 2023-1 of the Town of Dovre, Barron County, Wisconsin, repealed and replaced with the following:

1. **Authority.** The Town of Dovre, Barron County, Wisconsin (the “Town”) adopts these regulations under the authority granted by Wis. Stat. § 101.65.
2. **Purpose.** The purpose of this Ordinance 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 and Commercial Building Codes.
3. **Scope.** This chapter applies to the construction, remodeling, alteration, expansion, or enlargement of all Dwellings, Manufactured Homes, commercial buildings/structures, swimming pools/hot tubs, garages, new camping units as defined in Wis. Admin. Code § SPS 327.08(9), outbuildings, and all other buildings and structures, except as such buildings or structures are exempt by this Ordinance.
4. **Definitions.** 
   1. “Dwelling” means any building that contains one or two Dwelling Units. Dwelling does not include a primitive rural hunting cabin, as defined in Wis. Stat. § 101.61(3).
   2. “Dwelling Unit" means a structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.
   3. “Manufactured Home” means any of the following:
      1. A structure that is designed to be used as a Dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 U.S.C §§ 5401 to 5425.
      2. A Mobile Home.
   4. “Manufactured Home Community” means any plot or plots of ground upon which 3 or more Manufactured Homes that are occupied for Dwelling or sleeping purposes are located. Manufactured Home Community does not include a farm where the occupants of the Manufactured Homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator or where the occupants of the Manufactured Homes work on the farm.
   5. “Mobile Home” means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. Mobile Home includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
   6. “Recreational Vehicle” shall mean a motor vehicle designed to be operated upon a highway for use as a temporary or recreational Dwelling and having the same internal characteristics and equipment as a Manufactured or Mobile Home.
   7. All terms not otherwise defined in this Ordinance shall have the definitions set forth in the Adopted Codes, as defined below in Section 5.
5. **Adoption of Codes.** The following Wisconsin Administrative Code Chapters, their referenced codes, appendixes, and standards, and all amendments thereto (the “Adopted Codes”), are adopted and incorporated by reference and shall be enforced by the Town’s Building Inspector, who shall be commercially certified by the Wisconsin Department of Safety and Professional Services (“SPS”):

Wis. Admin. Code Chs. SPS 320-325 Wisconsin Uniform Dwelling Code

Wis. Admin. Code Chs. SPS 361-366 Wisconsin Commercial Building Code

Wis. Admin. Code Chs. SPS 375-379 Buildings Constructed Prior to 1914 Code

Wis. Admin. Code Chs. SPS 316 Electrical

Wis. Admin. Code Chs. SPS 381-387 Plumbing

1. **Building Inspector.** There is hereby created the position of Building Inspector, who shall administer and enforce this Ordinance.
   1. The Building Inspector shall be properly certified for inspection purposes by SPS in the required categories specified under Wis. Admin. Code § SPS 305.
   2. The Building Inspector will be contracted for a one-year period pursuant to the terms and conditions of a written agreement.
   3. The Building Inspector shall inform the Town Board of all non-compliance with this Ordinance.
   4. The Building Inspector shall forward a copy of each approved permit to the Town Clerk.
   5. The Building Inspector shall submit a monthly report of his activities to the Town Clerk.
   6. The Building Inspector shall maintain a record of all permits issued on behalf of the Town, which shall be kept on file.
2. **Building Permit Required.** No person shall (1) alter a building or structure when the cost of such work exceeds $2,500.00, (2) add onto a building or structure in a way that increases the physical dimensions of the building or structure, or (3) build or install a new building or structure without first obtaining a building permit for such work from the Building Inspector as set forth in this Ordinance. Any structural changes to a building or structure or major changes to mechanical, plumbing, or electrical systems that require extensions shall also require building permits if over the foregoing thresholds. For purposes of this Section 7, “cost” shall mean the fair market value of labor plus materials as determined by the Building Inspector, not actual cost incurred.
3. **Exemptions from Building Permit Requirement.** Notwithstanding Section 7, persons engaging in the following activities do not need to obtain a building permit:
4. Re-siding a building or structure.
5. Re-roofing a building or structure when such activity does not involve the repair or replacement of any structural elements of the building or structure.
6. Finishing of interior surfaces and installation of cabinetry.
7. Restoration or repair of an installation to its previous code-compliant condition, as determined by the Building Inspector.
8. Restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without alteration or addition to the building or structure.
9. Construction of fences or other similar enclosures.
10. Construction of outbuildings less than 120 square feet in size without a foundation or electric, HVAC, or plumbing.
11. Construction of storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 48 inches, that do not require electric and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity.
12. **Building Permit Requirements.** 
    1. Residential Requirements.
       1. No building permit shall be approved or issued for the erection or placement of more than one Dwelling on any parcel.
       2. No Dwelling shall be erected or placed upon any parcel less than two acres in size, except nonconforming lots which were created prior to the Town’s enactment of the two-acre minimum lot size.
       3. No building permit shall be issued for a Dwelling or other residential building or structure until a determination has been made by the Town Board and Building Inspector that the proposed building or structure complies with applicable laws and regulations of the Town, Barron County, and State of Wisconsin.
       4. A Manufactured Home or Recreational Vehicle may be used or occupied as a temporary principal Dwelling for human habitation for a period of up to twelve months while a Dwelling or replacement Dwelling is under construction on the same parcel, provided that a building permit is obtained for the placement of such temporary Manufactured Home or Recreational Vehicle (each a “Temporary Residence”).
          1. A written request for a building permit for the use and installation of a Temporary Residence must be made at the time of application for a building permit for a permanent building or structure. The twelve-month time period for the Temporary Residence building permit shall begin upon approval of the Temporary Residence building permit.
          2. A Temporary Residence must have access on the parcel to a continuous safe supply of water and an adequate private sewage disposal system. Such water and sewage disposal systems shall be reviewed and approved by the appropriate county officials prior to the initiation of any construction activity.
          3. A Temporary Residence must be removed from the parcel at the end of the permitted time period. Upon further written application to the Town Board, the person possessing a Temporary Residence building permit may request that the Temporary Residence be occupied for up to an additional six continuous months following the initial twelve-month period. The written request for extension must be submitted to the Town Clerk/Treasurer at least thirty days prior to the expiration of the building permit for the Temporary Residence. The written request for extension must state sufficient reasons for the extension. The Town Board is not required to grant a requested extension.
       5. Manufactured Homes shall comply with Ordinance 2025-3.
    2. Commercial Requirements.
       1. No building permit shall be issued for a commercial building until the Town has (1) received State of Wisconsin approved plans, where required, and sanitary permits, if applicable, and (2) a determination has been made by the Town Board and Building Inspector that the proposed building or structure complies with applicable laws and regulations of the Town, Barron County, and State of Wisconsin.
    3. Swimming Pool/Hot Tub Requirements.
       1. All materials and methods for the construction, alteration, addition, remodeling, or installation of a pool or hot tub shall be in accord with all applicable laws and regulations of the Town, Barron County, and State of Wisconsin.
       2. Pools and hot tubs for which a permit is required shall not be located within 25 feet of any side or rear lot line nor within 10 feet of any principal structure or frost footing. Pools and hot tubs shall not be located within any required front yard or within 15 feet of a septic tank, 25 feet of a well, or 15 feet from a soil absorption site.
       3. Pools and hot tubs shall not be located beneath overhead utility lines nor over underground utility lines of any type.
       4. Pools and hot tubs shall not be located in or on any easement of any private or public utility, walkway, drainage area, or other easement.
       5. For in-ground pools or hot tubs, due precautions shall be taken during the construction period to:
          1. Avoid damage, hazards, or inconvenience to adjacent or nearby property.
          2. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringement onto adjacent property.
       6. To the extent feasible, back flush water or water from pool drainage shall be discharged on the owner’s property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land without written permission of the owner thereof. Drainage of pools or hot tubs into public streets or other public drainage ways shall require permission of the Town Board.
       7. The filter unit, pump, heating unit, and any other noise making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential building or structure or shall be in a sound-restricted enclosure not closer than 25 feet to any lot line.
       8. Lighting for the pool or hot tub shall be directed into or onto the pool or hot tub and not onto adjacent property.
       9. Water in the pool or hot tub shall be maintained in a suitable manner to avoid health hazards.
       10. All wiring, lighting, installation of heating unit, grading, installation of pipes, and all other installations and construction shall be subject to inspection by the Building Inspector.
       11. There shall be no nuisances such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, etc. caused by the pool or hot tub.
13. **Setbacks.**
    * 1. Any building or structure subject to this Ordinance, or any additions thereto, must be setback from Barron County trunk highways and town roads or highways shall be 50 feet from the right-of-way.
      2. The setback from the boundary line of all adjoining property shall be 50 feet.
      3. No dwelling covered by this Ordinance shall exceed 35 feet in height as measured by the vertical distance above ground level at the surface that has the maximum exposure to ground. An exception to this provision may be considered if the appropriate Town officials and the fire service agency serving the Town both determine that the dwelling’s height poses no unreasonable safety risk(s).
14. **Permit Applications.** 
    1. Application for a building permit shall be made in writing upon a form furnished by the Town, its Building Inspector, or their designee and shall include the following:
       1. The name of the applicant, landowner, building/structure owner (if different than the landowner), builder/contractor, architect, and engineer (as applicable).
       2. Contact information for each of the individuals or entities specified in Section 12.A.1. above, including email address, fax number, mailing address, and telephone numbers.
       3. The legal description of the land upon which the building or structure is located or is to be located.
       4. The size (in acres and square feet) of the land upon which the building or structure is located or is to be located.
       5. For new buildings and structures, a sketch showing the exact location of the proposed building or structure; all property lines; the location of existing or proposed sanitary systems; the location of the existing or proposed water supply; all setback distances (in feet); existing public roadways and other access routes to the parcel; and the existing or proposed driveway location for the parcel.
       6. For new buildings and structures, a floor plan of the proposed building or structure with square footage of the proposed building or structure calculated.
       7. A copy of the blueprint of the proposed work if such a blueprint exists.
       8. A copy of the application for driveway access to the highway or road adjoining the parcel, if applicable.
       9. The use to which said building or structure is to be put.
       10. A permit fee as described in Section 11 of this Ordinance.
       11. Any other information as the Town Board, Building Inspector, or his designee may reasonably require.
    2. A complete application shall first be submitted to the Town Board for review and consideration. The Town Board shall review and consider the application at the next regularly scheduled Town Board meeting following receipt of a complete application, provided the application can still be legally added to the agenda. If the application cannot be added to the next regularly scheduled meeting agenda, the application shall be added to the agenda for the Town Board meeting immediately following the next regularly scheduled meeting.
    3. If the Town Board determines that the building permit application does not comply with the provisions of applicable Town ordinances, Wisconsin statutes and regulations, or other laws and regulations, the application shall be denied. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant within ten business days of the determination by the Town Board.
    4. If the Town Board approves the building permit application, the application shall be sent to the Building Inspector for review.
       1. The Building Inspector shall review the application within 30 days of the Town Board’s approval of the application. If the Building Inspector requests additional information related to the application, the 30-day period for review shall commence from the date the requested information is received by the Building Inspector.
       2. If the Building Inspector determines that the building permit application does not comply with the provisions of applicable Town ordinances, Wisconsin statutes and regulations, or other laws and regulations, the application shall be denied. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and the Town Board within ten business days of the determination by the Building Inspector.
       3. If the Building Inspector approves the building permit application, the building permit shall be issued by the Building Inspector.
15. **Permit Fees.** 
    1. As part of an application for a building permit, in accordance with Section 10 of this Ordinance, an applicant for a building permit shall pay to the Town Clerk/Treasurer a permit fee. The fees for permits required by this Ordinance shall be determined by resolution of the Town Board.
    2. The fees for building permits shall be doubled for any project requiring a building permit which is commenced without a permit or prior to issuance of a building permit.
16. **Road Damage.** An applicant for a building permit for a new Dwelling shall be responsible for any road damage resulting from the project for which a building permit has been issued. Any damage to Town roads due to the project shall be repaired by the Town and charged to the applicant. The costs for repairs done by the Town shall be paid by the applicant within thirty days of written invoice by the Town. Any amounts not paid within that time frame shall be charged against the property and placed on the tax roll pursuant to Wisconsin Statutes § 66.0627.
17. **Expiration of Permit.** Work to be done pursuant to a building permit issued under this Ordinance must be commenced within six months of the date of issuance, or the building permit shall expire. However, a building permit issued for work pursuant to Wis. Admin. Code Chapter SPS 316 shall expire within one year of the date of issuance if work has not been commenced. All work to be done pursuant to the building permit must be completed within two years of the date of issuance; building permits shall expire two years from the date of issuance if the dwelling exterior has not been completed or as otherwise specified by the Wisconsin Administrative Code. Where permitted by law, these time periods may be extended for good cause shown for an additional limited time period upon written application for such extension to the Town Clerk and approval from the Town Board. An additional fee, as set from time to time by resolution of the Town Board, shall be charged for an extension of the building permit. Each calendar quarter, the Building Inspector shall provide a list to the Town Board of all building permits which were in existence for more than two years without substantial completion or issuance of an occupancy permit.
18. **Occupancy Permit Required.** No building or structure subject to this Ordinance, or any additions thereto, may be occupied by any person or party until a Occupancy Permit has been issued. An Occupancy Permit authorizes human habitation of the building or structure. An Occupancy Permit will be issued by the Building Inspector only after all inspections have been satisfactorily completed, all required fees associated with this Ordinance have been paid, and all required terms of the Ordinance have been met.
19. **Other Permits Required.**
20. No person shall move any building or structure greater than 200 square feet upon any of the public ways of the Town without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee to the Town Clerk. The Town Board shall approve issuance of a permit to move any building or structure. Upon application being made to the Building Inspector, the Building Inspector shall request a meeting of the Town Board to consider application for a moving permit which he/she has found to comply, in all respects, with all ordinances of the Town. The Town Board may, if it desires, hold a public hearing on the approval of the permit. Within 48 hours of any such meeting or hearing, the Town Board shall, in writing, approve or deny the permit. Upon approval of issuance of the permit by the Town Board, the Building Inspector shall issue the permit. Every such permit issued by the Building Inspector for building moving shall designate the route to be taken and the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

1. No person shall place a Manufactured Home in the Town, including within a Manufactured Home community, or change its location within the Town without first obtaining a building permit from the Town as set forth in Ordinance 2025-3.
2. **Right of Entry.** The Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with the Building Inspector’s access to such premises or refuse to provide the Building Inspector with access to any such premises when the Building Inspector is performing his/her duties.
3. **Posting Building Permit.** A building permit shall be posted at the construction site in such a manner as to be in conspicuous view from the exterior of the building or structure.
4. **Revocation of Building Permit.** 
   1. Any building permit approved or issued which is based on any false or misleading statements made in the application for the permit shall result in the immediate revocation of the permit issued.
   2. If the Building Inspector finds that the provisions of this Ordinance are not being complied with and the permit holder refuses to conform after a written warning or instruction has been issued to them, the Building Inspector shall revoke the building permit by written notice posted at the site of the work.
   3. When a building permit is revoked, no further work shall be done unless and until the permit is re-issued, except such work as the Building Inspector may order as a condition precedent to the re-issuance of the permit or as the Building Inspector may require for the preservation of human life and safety.
5. **Compliance with Permit.** All construction must comply with the building permit and plans submitted with the building permit. Any construction that is not authorized by the building permit is a violation of the building permit and subject to the penalties established in this Ordinance.
6. **Zoning Requirements.** All buildings shall meet the requirements set forth in the Barron County zoning ordinance for the applicable zoning district.
7. **Unsafe Buildings.** Whenever the Building Inspector finds any building or part thereof within the Town to be, in his judgment, so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, unreasonable to repair or otherwise unfit for human habitation, occupancy, or use, the Building Inspector shall order the owner to raze and remove such building or part thereof, or, if it can be made safe by repairs, to either (a) repair and make safe and sanitary or (b) to raze and remove, at the owner’s option. The owner shall perform the remedial action in a timely fashion at his own expense. Such order and proceedings shall be as provided in Wis. Stat. §§ 66.0413 or 823.21.
8. **Building Permit Information Provided to Town Assessor.** The Building Inspector shall provide a copy of each permit issued under this Ordinance to the Town Assessor, listing the actual cost basis for construction, erection, or building of each improvement authorized by a building permit granted pursuant to this Ordinance.
9. **Appeal.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board by written application to the Town Clerk explaining the reasons for their appeal. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.
10. **Penalties.** The enforcement of this Ordinance shall be by means of withholding or revoking building permits, imposing forfeitures, seeking injunctive action, or any other penalties and remedies available at law or equity. Forfeitures shall be not less than $100.00 nor more than $1,000.00 for each day of noncompliance. The Town Chairman, Building Inspector, or his/her designee shall determine the appropriate forfeiture amount to be issued within the range set by this Section 24.
11. **Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions of applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.
12. **Effective Date.** This Ordinance shall repeal and replace Ordinance Nos. #1, 2011; 2014-6; 2018-2; and 2023-1. The Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. § 60.80, this Ordinance shall be effective upon publication or posting.

Adopted by the Town Board on February 12th, 2025.

TOWN OF DOVRE

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mitch Hanson, Chairman

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Louise Cody, Clerk/Treasurer

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