

CHAPTER 9 Building Inspection

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5-9-1: Authority: These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761, (and by its adopting of Village powers under Section 60.10(2)(c), 60.22(3), 61.34(1)) of the Wisconsin Statutes.

5-9-2: Purpose: The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

5-9-3: Definitions: As used in this Chapter, the following terms have the meaning prescribed herein:

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

- 2) Building Inspector. The individual(s) or firm appointed by the Municipality to exercise all 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, 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 of Wisconsin or a person under the supervision of such an electrician.
- 7) Garage. A building which is primarily intended for storage of parked automobiles or equipment.
- 8) 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.
- 9) Occupancy. The act of utilizing a building for habitation by human beings. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.
- 10) Owner. The individual, firm, or entity which has record title to the real estate on which construction or demolition is taking place.
- 11) 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 of Wisconsin or work under the supervision of a plumber.
- 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.

5-9-4: Scope: This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, decks, residential additions and remodels and residential alterations that exceed

twenty thousand dollars (\$20,000.00) in value. This code does not apply to residential accessory buildings under 200 square feet, agricultural buildings and children's play structures.

- 1) Erosion control measures are to be put in place prior to any land disturbances within 1000 (one thousand) feet of any lake, river, stream or wetlands regardless of building size. The states performance standards for construction site erosion and sediment control shall be followed.

5-9-5: Permit Required:

- 1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.
- 2) The construction which shall require a building permit includes, but is not limited to:
 - a) New 1 & 2 family residential buildings and commercial buildings.
 - b) Additions that increase the physical dimensions of 1 & 2 family residential buildings, commercial buildings and decks.
 - c) Remodels/Alterations for 1 & 2 family residential building structures that exceed twenty thousand dollars (\$20,000.00) in value.
 - d) Commercial building remodels.
 - e) Any Electrical work for all new buildings, additions, alterations and remodels.
 - f) Any HVAC work for all new buildings, additions, alterations and remodels.
 - g) Any Plumbing work for all new buildings, additions, alterations and remodels.
 - h) Garages and accessory building greater than 200 square feet.
- 3) The following construction activities shall not require a building permit:
 - a) Remodels/Alterations for 1 & 2 family residential building structures that have a value of twenty thousand dollars (\$20,000.00) or less.
 - b) Residential accessory buildings under 200 square feet.
 - c) Residing, re-roofing, and finishing of interior surfaces and repairs, which are considered minor by the Building Inspector. A permit accompanied by structural load-bearing calculations can be requested for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing material.
 - d) Normal repairs of HVAC, Plumbing and Electrical equipment or systems.
 - e) Agricultural buildings and children's play structures.

5-9-6: Adoption of Codes:

- 1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. COMM 2.31	Plan Review Fee Schedule (Commercial Buildings)
Ch. COMM 5	Credentials
Ch. COMM 16	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Chs. COMM 61-65	Commercial Building Code

Ch. COMM 70	Historic Building Code
Ch. COMM 75-79	Existing Building Code
Chs. COMM 81-87	Uniform Plumbing Code
Chs. COMM 75-79	Existing Building Code

2) Any local building codes or requirements other than those contained herein are repealed.

5-9-7: Scope of Uniform Dwelling Code Expanded. For the purpose of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

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

5-9-8: Building Inspector:

- 1) Creation and Appointment. There is hereby created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under COMM 5, Wisconsin Administrative Code.
- 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 COMM 5, Wisconsin Administrative Code, by the Department.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
- 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 Building 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, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.122, 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 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 the property owner.
 - 8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in 5-9-6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

5-9-9: Submission of Plans: The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of the building, any new building, or as required by the Inspector. If a new building or building addition is proposed, then a plot plan 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 Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

- 1) Erosion Control Plans are to be submitted and approved prior to performing any land disturbances. Follow the states performance standards on control of construction site erosion when preparing the erosion control plans.

5-9-10: Issuance of Permit:

- 1) The 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 visible location from the street. Permits are valid for two years. Permit may be extended for a specific time frame upon Building Inspector's approval and payment of appropriate 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(s) shall conform to the requirements of all applicable codes, zoning ordinances, and setback requirements in constructing the building.

5-9-11: Completion Deposit Required: A deposit of \$400.00 is required for all projects whose total cost, including labor materials and supplies, will equal or exceed \$15,000.00. 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 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 of the permit is issued.

5-9-12: 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 is 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 Section 66.05(5), Wis. Stats.

5-9-13: Moving Buildings:

- 1) General. No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefore from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building 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.
- 2) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the municipality 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) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter, or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within 20% 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 20% 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 allowed 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.** Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report the fact to the Building Inspector who shall thereupon, in the company of the municipal highway commissioner, 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 for with place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body 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 municipality and to establish it upon a location within the said municipality 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 Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building 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 Building Code and that when same are completed, the building, as, will so comply with said Building Code. In the event a building is to be moved from the municipality 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) **Bond.**
 - a) Before a permit is issued to move any building over any public way in this municipality, the party applying for said permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than Five Thousand (\$5,000.00) dollars. Said cash deposit shall be held for indemnification of the municipality 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 municipality in connection therewith, arising out of the removal of the building for which the permit is issued.
 - b) The bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (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 Building Inspector may waive the timelines in this paragraph if the Building 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 said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand (\$500,000.00) dollars and for one accident, aggregate not less than One Million (\$1,000,000.00) dollars, together with property damage insurance in a sum of not less than Five Hundred Thousand (\$500,000.00) dollars, or such other coverage as deemed necessary.
- 8) Municipality.
- a) Before any permit to relocate a building may be issued, the Municipality 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 Municipality shall not grant a permit unless the 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 Municipality 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 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 ordinances of the municipality. 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 bond of not less than \$5,000.00 with the Municipality to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality.
 - 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 Municipality to consider the application. The Building Inspector shall inform the Municipality whether or not the application complies, in all respects, with all other ordinances of the municipality. The Municipality may, if it desires, hold a public hearing on the permit.

5-9-14: Occupancy Permit: If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then 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 a specified term. No person may have occupancy of a building until an occupancy permit is issued.

5-9-15: Exterior Finish Required: All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

5-9-16: Maintenance of Yards: During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Municipality. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

- 1) Contractors and Owners are to follow the states performance standards on control of construction site erosion prior to, during and after construction.

5-9-17: Fees: At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuances, the permit fee shall double.

1. RESIDENTIAL - 1 & 2 Family

a. New Structure** Addition	- \$.12 per square foot all floor area - \$100.00 minimum
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Erosion Control	-New \$100.00
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(Disturbance of Greater than 200 square feet in area)

b. Remodel/Alteration >\$20,000.00	-\$7.00 per thousand of valuation -\$50.00 minimum
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c. Decks (any size),	-\$.12 per square foot all areas - \$50.00 minimum
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d. Garages & Accessory Structures	-\$.12 per square foot all areas - \$50.00 minimum
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(Greater than 200 square feet in area)

Erosion Control - \$100.00

(Disturbance of Greater than 200 square feet in area)

d. Occupancy Permit	- \$40.00 per dwelling unit
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e. Temporary Occupancy Permit	- \$50.00
f. Pools	-\$50.00
g. Early Start Permit	-\$50.00 (Footings and Foundations)
h. Plumbing	
1 & 2 Family New Building/ Addition/Alteration	
(Alterations based on sq. ft. of alteration area)-\$35.00 base fee plus \$0.035 per sq. ft. all area	
-\$40.00 minimum	
Replacement & Misc. Items	-\$10.00 per thousand of plumbing project valuation
	-\$40.00 minimum
i. Electrical	
1 & 2 Family New Building/Addition/Alteration	
(Alterations based on sq. ft. of alteration area)-\$35.00 base fee plus \$0.035 per sq. ft. all areas	
-\$40.00 minimum	
Replacement & Misc. Items	-\$10.00 per thousand of electrical project valuation
	-\$40.00 minimum
j. HVAC	
1 & 2 Family New Building/Addition/Alteration	
(Alterations based on sq. ft. of alteration area) -\$35.00 base fee plus \$0.035 per sq. ft. all areas	
-\$40.00 minimum	
Replacement & Misc. Items	-\$10.00 per thousand of HVAC project valuation
	-\$40.00 minimum
k. Other	-\$40.00 minimum

2. COMMERCIAL

a. New Structure ** Addition

1. Multi-Family (3 family or more), Motels, CBRF - \$.13/s.f.
2. Mercantile, Restaurants, Taverns, Assembly Halls, Offices - \$.13/s.f.
3. Schools, Institutional, Hospitals - \$.15/s.f.
4. Manufacturing and Industrial - \$.12/s.f.
5. Vehicle Repair and Vehicle Storage - \$.15/s.f.
6. Warehouse, Mini Warehouse, Building Shells* for Multi-Tenant Buildings - \$.09/s.f (Office area to follow fees in b.)
7. Build-Out* - **See above New Structure fees a-f**
8. Special Occupancies (Outdoor Pools, Towers, Tents, etc.) - \$.10/s.f.
9. The above referenced permits (a-h) have a \$100.00 minimum permit fee

Erosion Control- \$200.00 for the first acre then \$100.00/acre or portion thereof

- b. Remodel ****Refoof**** Residing - \$7.00 per thousand of valuation
- \$75.00 minimum
- c. Occupancy, Temporary Occupancy, Change Of Use Permit - \$50.00 per unit
- d. Plumbing
 - New Building/Addition/Alteration - \$45.00 base fee plus \$0.04 per sq. ft. all areas
(Alterations based on sq. ft. of alteration area)-\$50.00 minimum
 - Replacement & Misc. Items - \$10.00 per thousand of plumbing project valuation
- \$50.00 minimum
- e. Electrical
 - New Building/Addition/Alteration - \$45.00 base fee plus \$0.04 per sq. ft. all areas
(Alterations based on sq. ft. of alteration area)-\$50.00 minimum
 - Replacement & Misc. Items - \$10.00 per thousand of electrical project valuation
- \$50.00 minimum
- f. HVAC
 - New Building/Addition/Alteration - \$45.00 base fee plus \$0.04 per sq. ft. all areas
(Alterations based on sq. ft. of alteration area) - \$50.00 minimum
 - Replacement & Misc. Items - \$10.00 per thousand of HVAC project valuation
- \$50.00 minimum
- g. Commercial Plan Review – Certified Municipality per COMM 2.31
- h. Early Start Permit - \$75.00 (Footings and Foundations per COMM 61.32)
- i. Other - \$75.00 minimum

3. AGRICULTURAL BUILDINGS

- a. No permits required except for Electrical Permits for electrical services.

4. MISCELLANEOUS

- a. Re-inspection Fee -- \$40.00 each
- b. Failure to call for inspection - \$40.00 each
- c. Double Fees are due if work is started before the permit is issued.
- d. Permit Renewal- 50% of the permit fee based on current fee schedule, but not less than the minimum fee.

5-9-18: Violations and Penalties:

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ordinance.

- 2) Every persons, firm or entity which violates this code shall, upon conviction, forfeit not less than \$100.00 or more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
 - a) Erosion Control Violations: After the first warning the First Fine= \$200.00, upon a second or subsequent offense a \$200.00 per day fine will be assessed.
- 3) Violations related to site erosion control standards are to be corrected within 24 hours of notice of the violation. Other violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame as established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance 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 ordinance shall constitute a public nuisance which may be enjoined in a civil action.
- 5) Citation Procedure: Upon notification by the building inspector of a violation, the Town of Lake Mills Police Department will issue the citation.

5-9-19: Stop Work Order: The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm, or entity may continue a construction project after a stop work order has been issued. The person, firm, or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Municipality. The Municipality shall hear the appeal within seven days. The Municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

5-9-20: Variance: The Municipality shall hear request for variances from the building code to the extent the Municipality has authority to hear and grant variances. The Municipality shall approve, conditionally approve, or deny a requested variance. The Municipality may grant a variance from a Code 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 code requires.

5-9-21: 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 municipality will follow procedures explained in Wisconsin Statutes Chapter 68, to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules COMM 20.21.

5-9-22: Disclaimer and Non-Liability for Damages: This ordinance shall not be construed as an assumption of liability by the Municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

5-9-23: 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 ordinance. The remainder of the ordinance 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.

(Adopted May 13, 1997)
(Amended April 13, 2004)
(Amended March 14, 2006)
(Amended July 1, 2009)
(Amended March 8, 2011)

James Heinz, Chairperson

Attest:

David Schroeder, Supervisor I

Robin Untz, Town Clerk

Thomas Berns, Supervisor II