

Ordinance No. O-2010-0010
By Safety and Development Committee

Ordinance to: amend subsection 13.01(3) by adding subparagraph (e); to repeal and recreate subsections 13.01(3)(a), 13.01(8)and(9), 13.05(1)(a), 13.05(2)(b), and 13.06(16); to delete subsection 13.05(2)(d) and re-letter (e) through (h); and to repeal and recreate Section 13.255 of the City of West Allis Revised Municipal Code, Chapter 13, Building Code relative to codes adopted, permit requirements and permit fees.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 13.01(3)(a) of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.01 BUILDING CODE

* * *

(3) Codes Adopted. The provisions of this Code shall adopt and supplement the laws and regulations of the State of Wisconsin Administrative Codes, such other codes as may be adopted below, and other City of West Allis Codes relating to building, electrical, plumbing, and HVAC construction, and include any future amendments, revisions or modifications thereto. By this section, these laws and regulations are made a part of this code as if fully set forth herein. Where the requirements of the State Code, other adopted codes, or this code are in conflict, the stricter requirements shall govern.

(a) State of Wisconsin Administrative Codes applicable to other than one- and two-family dwellings:

1. Department of Commerce, Chapters COMM 60-65, Wisconsin Commercial Building Code. (The Wisconsin Commercial Building Code adopts with additions, deletions, insertions and changes, the International Building Code, International Energy Conservation code, International Mechanical Code, International Fuel Gas Code and International Existing Building Code as published by the International Code Council, Inc.)

2. Department of Commerce, Chapter COMM 75-79 Buildings Constructed Prior to 1914.

Part II. Subsection 13.01(3) of the City of West Allis Revised Municipal Code is hereby amended by adding new subparagraph (e) as follows:

13.01 BUILDING CODE

* * *

(3) Codes Adopted. The provisions of this Code shall adopt and supplement the laws and regulations of the State of Wisconsin Administrative Codes, such other codes as may be adopted below, and other City of West Allis Codes relating to building, electrical, plumbing, and HVAC construction, and include any future amendments, revisions or modifications thereto. By this section, these laws and regulations are made a

part of this code as if fully set forth herein. Where the requirements of the State Code, other adopted codes, or this code are in conflict, the stricter requirements shall govern.

(e) Wisconsin Department of Natural Resources Rules, Chapter NR216 for Soil Erosion.

PART III. Subsection 13.01(8) and (9) of the City of West Allis Revised Municipal Code are hereby repealed and recreated to read as follows:

13.01 BUILDING CODE

* * *

(8) Storage Sheds. For property uses other than single- and two-family uses, accessory storage buildings of less than one hundred fifty-one (151) square feet may be wood-framed construction when located on a monolithic concrete or asphalt base and when located three (3) feet or more from a property line, ten (10) feet or more from the main building, sixty (60) feet or more from any street property line and five (5) feet or more from an alley.

(9) Temporary Buildings or Structures. The building official may issue a building permit for a temporary building or structure to be used during the construction of a permanent building or for temporary or seasonal use. In the case of a temporary building or structure to be used in conjunction with the construction of a permanent building or structure, the temporary structure shall be removed within fifteen (15) days of occupancy of the permanent building. Other temporary buildings or structures shall be removed as required by the building official. Seasonal use structures shall be removed by July 15 of each year.

PART IV. Section 13.05(1)(a) of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.05 PERMITS

* * *

(1) Permits Required.

(a) Required. Any owner or authorized agent who intends to construct, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Department of Building Inspections and obtain the required permit(s). The owner of a property is ultimately responsible for securing required permits and complying with the Notice or Order from the inspector pertaining to securing permits. The type of work requiring a permit includes, but is not limited to: new buildings or structures or additions thereto; exterior and interior building and/or structural remodeling, including replacing drywall; re-roofing; moving or demolition of buildings or structures; accessory and garage buildings and slab or

foundation/slab for future accessory building construction; swimming pools; mobile homes; fences; commercial parking lots; heating and ventilating equipment installation; other equipment to comply with installation codes; advertising or sign structures as stated in the sign code; soil erosion control; electrical work per Chapter 14; and plumbing work per Chapter 16.

Part V. Subsection 13.05(2)(b) of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.05 PERMITS

* * *

(2) No Permit Required.

(b) One-Story One Story Storage and Other Outdoor Structures. No permit is required for tool or storage sheds, play structures and similar, provided the floor area is one hundred fifty (150) square feet or less in area and the height of the structure is 12 ft. or less. All work excepted from a permit shall conform to applicable zoning and building code requirements. These building structures shall be located on a solid, continuous, monolithic, concrete or blacktop base and anchored to prevent uplift.

Part VI. Subsection 13.05(2)(d) of the City of West Allis Revised Municipal Code is hereby amended by deleting subparagraph (d) and re-lettering subparagraphs (e) through (h) to (d) through (g).

Part VII. Subsection 13.06(16) of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.06 PERMIT APPLICATION AND ISSUANCE

* * *

(16) Expiration of Permit.

(a) If any construction for which a permit has been issued is not started within 120 days from the issuance of the permit, or if construction is suspended or abandoned for more than 60 days, the permit shall expire and be void. No construction shall commence or resume unless a time extension is granted. The Building Inspector shall make the final determination as to if the permitted work has not started or has been suspended or abandoned. The permit shall not be considered expired until the Inspector has notified the permit holder in writing and offered a time extension as stated in (c).

(b) A building permit shall expire two (2) years from the date of issuance and be void. No construction shall resume unless a time extension is granted. The permit shall not be considered expired until the Building Inspector has notified the permit holder in writing and offered a time extension as stated in (c).

(c) An extension of time, not to exceed twelve (12) months, may be allowed to a voided permit if the permit holder provides a written request within thirty (30) days of notification stating reasonable cause and a time table for completion. An administrative fee of 1/12 of the original fee construction fees per month of extension may be charged after permit expiration at the discretion of the building inspector.

(d) Any permit that includes exterior property improvements, including but not limited to; building or structure (i.e., siding, windows, roofing, gutters/downspouts, driveway, curb cut, parking lot, yard grading or drainage, and/or installing vegetation or other erosion or dust control improvement, shall be completed within two years of the issuance of the permit and shall not be allowed an extension of time. If not completed within two (2) years the non-compliance of completion shall be processed as a violation of the Property Maintenance Code.

(e) Renewal of a permit may be allowed upon written request, filed within 120 days after the permit has expired. The Director may reduce fees based upon inspection work completed. After 120 days from the date the permit has expired, the permit shall be processed as a new permit.

Part VIII. Subsection 13.255 of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.255 PERMIT FEES

Before receiving a permit as required in this Chapter, the owner or agent for the owner shall pay a fee as specified hereafter. Fees shall be assessed in accordance with the provisions of this section. The fee determination may be adjusted for a combination of listed fees to insure the fee is reasonable for the work being plan reviewed, permitted and inspected.

(1) Definitions.

(a) Valuation. The determination of valuation in this section shall be made by the Building Inspector on the basis of actual or current averaged cost. The term valuation shall mean the total cost of all construction work for which the permit is issued and shall include, where applicable, structural, electrical, plumbing, mechanical, interior and exterior finishes, normal site preparation including excavation and back-filling, overhead, and profit. Land costs are not included.

(b) Square Footage. For fee computation purposes, square footage means the entire area of all principal floors, mezzanines, basements, attics and exterior porches, decks and platforms. Square footage includes all areas that, with future alterations, could be used as finished (habitable or occupiable) areas. It excludes basement crawlspaces (ceiling heights less than 76 inches) and attic

areas accessed only by a scuttle or access panel or having a ceiling height of less than 60 inches.

(2) Building Permits associated with one and two family residential use properties including manufactured/mobile homes:

- (a) Dwelling - New Construction, Additions & Mobile Homes
 - 1. Residential – UDC & Other . . . \$.35/sq. ft.
 - 2. New manufactured homes in mobile home parks . . . \$150.00/ea.
- (b) Alteration, Remodel, Repair . . . \$.25/sq. ft.
- (c) Alterations and repairs where sq. ft. cannot be calculated
\$15.00/\$1,000 of Valuation
- (d) Permit to start construction of footings and foundations . . . \$ 150.00/ea.
- (e) Accessory structures including detached garages, sheds, gazebos, etc. (includes plan review)
 - 1. 150 sq. ft. or less no permit required
 - 2. Greater than 150 sq. ft. \$.35/sq. ft. - \$200/min.
- (f) Slab only permit for garage or accessory structure . . . \$100.00/ea.
- (g) Pools – in ground/above ground . . . \$100.00/ea.
- (h) Decks, stoops, porches, replacing existing porches, etc. (includes plan review)
 - 1. 25 sq. ft. or less no permit required
 - 2. 26 sq. ft. to 100 sq. ft. . . . \$ 75.00/ea.
 - 3. Greater than 100 sq. ft. . . . \$150.00/ea.
- (i) Fence . . . \$ 25.00/ea.
- (j) Wreck, raze or demolition. (The building inspector may waive the fee if the building is under a condemnation order or if a permit is issued to construct a new garage or accessory building in conjunction with the demolition permit.)
 - 1. Interior demolition prior to issuing a building permit for remodeling or alteration work . . . \$ 50.00/ea.
 - 2. Garage or accessory structure . . . \$ 25.00/ea.
 - 3. All other, per building or structure. . . \$100.00 PlusAlso, a \$2,000 bond or cash deposit is required to insure the removal of all buildings, structures, slabs, water wells, etc., and the

installation of erosion controls. Bond may be released when vegetation is in place to control dust and soil erosion from the site.
 \$.05/sq. ft. - \$600 Max.

(k) Soil erosion for new construction and grading/filling of other lots
 . . . \$ 150.00/lot

(l) Air conditioning, heating, ventilating, incinerating, wood or gas burning appliances or equipment and other:

1. HVAC appliances, including associated mechanical work
 \$50.00/furnace, A/C or both
2. Alteration to air or heating distribution systems of conditioned area
 \$1.50/100 sq. ft. of conditioned area \$45.00 Min.
3. HVAC Affidavit Permit for replacement of one furnace and/or one air conditioner per residential living unit. (State of WI HVAC Qualifier Registration Required)
 \$35.00/residential living unit

(m) Plan Review*

1. New construction—includes Dept of COMM UDC energy review & permit seal) . . . \$800.00
2. New manufactured home in mobile home park (includes UDC seal). . . \$150.00
3. Additions
 - a. 150 sq. ft. or less . . . \$ 50.00
 - b. 151 sq. ft. to 400 sq. ft. . . \$100.00
 - c. Greater than 400 sq. ft. . . \$150.00
4. Alterations and Remodeling
 - a. Minor . . . \$ 50.00
 - b. All Other . . . \$100.00
5. Foundation/Footing early start . . . \$100.00

* The plan review fee may be waived.

(n) Occupancy permit.

1. New construction, per unit . . . \$ 30.00/ea.
2. Temporary building occupancy . . . \$ 50.00/ea.
3. Temporary building occupancy when final grading and grass cover to prevent soil erosion are not completed
 . \$ 50.00 plus \$500.00 returnable upon completion of yard improvements
4. Home Business Occupancy Permit . . . \$ 50.00/ea.
5. Replacement Occupancy Permit . . . \$ 10.00/ea.

(o) Mobile/Manufactured Homes

1. New units See fees for new dwellings

- 2. Existing – Change of owner/tenant . . . \$ 35.00/unit
- 3. Permits for sheds & attached accessory structures . . . \$ 40.00/ea.
- 4. Deck & roof coverings . . . \$ 50.00/permit

- (p) Restoration/Repair (fire, flood, vehicle or similar)
 - 1. Minor repair . . . \$ 75.00
 - 2. All Other . . . \$ 150.00

- (q) Conversion of 1 to 2 family or 2 to 1 family . . . \$ 125.00

- (r) Minimum permit fee (unless specifically listed otherwise in this subsection)
 - 1. Minor work . . . \$ 50.00
 - 2. All Other . . . \$ 100.00

- (s) The fee for square foot & valuation cost may be averaged.

(3) Building permits for multi-family (3 units or more), condominiums, commercial, manufacturing/industrial, and institutional use properties:

- (a) New construction & additions
 - 1. Multi-family (3 units or more) condominiums, townhouses, etc. . . \$.40/sq. ft.
 - 2. Office, retail and similar . . . \$.35/sq. ft.
 - 3. Warehouse, cold storage, parking ramp, accessory structure, etc. . . \$.30/sq. ft.
 - 4. All other manufacturing/industrial . . . \$.30/sq. ft.
 - 5. Average of sq. ft. cost may be used for unusual structures or buildings
 - 6. Permit to start construction of footing/foundation . . . \$250.00/permit

- (b) Alterations, remodel or repair . . . \$.25/sq. ft.
or average using valuation fee

- (c) Alteration and repairs where square footage cannot be calculated.
\$ 15.00/\$1,000 of valuation

- (d) Commercial Fence. Plan Commission approved plan, required . . . \$ 75.00/ea.

- (e) Wreck, raze or demolition (fee may be waived if building or structure is under a condemnation order)
 - 1. Interior demolition prior to issuance of a building permit for alterations or remodeling

- a. Minor . . . \$ 75.00
 - b. All other . . . \$ 150.00
- 2. Each building or structure. \$200.00 plus \$.10/sq. ft.
 Also, a \$5,000 bond or cash deposit is required to insure removal of all buildings, structures, slabs, water wells, etc., and installation of erosion controls. Bond may be released when vegetation is in place to control dust and soil erosion from the site. The Plan Commission required landscape/screening bond may be accepted in lieu of this bond. \$750 Max.
- (f) Soil erosion, grading, or filling
 (permit/fee may be waived for minor activities)
 . . \$300.00/lot plus
 \$5/1,000 sq.ft. of lot area
 disturbed, \$2,000 Max.
- (g) Heating units, new and replacement, including but not limited to; furnaces, boilers, air handlers, incinerating stokers, space heaters, pumps, solar heating systems and fireplace units (includes split systems). Permits include all associated ductwork, diffusers, grills, VAV boxes, registers, hydraulic piping, etc.
 \$75.00/Unit up to 200,000 BTU's,
 plus \$15.00/ea 50,000 BTU or fraction thereof
 \$750.00 Max./unit
- (h) Air Conditioning units and chillers, new and replacement and associated mechanical equipment and ductwork
 \$75.00/Unit up to
 5 tons or 60,000 BTU's
 (includes split systems)
 plus \$15.00/Ton or
 12,000 BTU's or fraction
 thereof - \$750.00 Max/unit
- (i) Commercial/Industrial exhaust hoods and exhaust systems, spray booths, etc. . . \$ 150.00/unit
- (j) Alterations to heating and air conditioning distribution systems for existing heating or air conditioning units \$1.50/100 sq. ft. of conditioned area
 \$75.00/Min.
- (k) Plan Review*
 - 1. Plan review of new construction, addition, alteration or other
 - a. Minor Review . . . \$ 60.00
 - b. 1,000 sq. ft. or Less . . . \$ 125.00
 - c. 1,001 to 5,000.sq. ft. . . \$ 250.00
 - d. 5,001 to 20,000.sq. ft. . . \$ 400.00
 - e. greater than 20,000 sq. ft. . . \$ 500.00

- 2. Accessory building . . \$ 125.00
 - 3. Heating, ventilation, and air conditioning
 - a. Minor . . \$ 60.00
 - b. 5,000 sq. ft. or Less . . \$ 100.00
 - c. 5,001 to 20,000 sq. ft. . . \$ 150.00
 - d. Greater than 20,000 sq. ft. . . \$ 250.00
 - 4. Revisions to an approved plan
 - a. Minor . . \$ 75.00
 - b. All Other . . \$ 150.00
 - 5. Footing/Foundation early start
 - a. 2500 sq. ft. or Less . . \$ 100.00
 - b. Greater than 2500 sq. ft. . . \$ 200.00
 - 6. Lighting Plans (when not included in the original plan review)
 - a. Minor . . \$ 75.00
 - b. Major . . \$ 150.00
- * The plan review fee may be waived by the reviewer.

(l) Occupancy Permit

- 1. Multi-family, condominiums, initial & replacement . . \$ 15.00/unit
- 2. Business Occupancy Permit
 - a. 1,000 sq. ft. or Less . . \$ 100.00
 - b. 1,001 to 2,500 sq. ft. . . \$ 200.00
 - c. 2,501 to 10,000 sq. ft. . . \$ 300.00
 - d. Greater than 10,000 sq. ft. . . \$ 600.00

The fee may be forfeited if the scheduled inspection is not cancelled by 9 A.M. the day of the scheduled inspection or missed by the applicant. A rescheduling fee of \$100.00 may be assessed.
- 3. Replacement or copy of Business Occupancy Permit . . \$ 20.00
- 4. Amended permit without inspection . . \$ 75.00
- 5. Temporary Occupancy Permit . . \$ 100.00
- 6. Extension of Temporary Permit . . \$ 50.00
- 7. Occupancy without Occupancy Permit . . Double Fee

(m) Minimum permit fee unless specifically listed otherwise in this subsection

- 1. Minor Work . . \$ 60.00
- 2. All Other . . \$ 100.00

(n) Inspection Fee

- 1. Reinspections - payable prior to inspection . . \$ 100.00/insp.
- 2. Failure to call for inspection – payable prior to inspection \$150.00/insp.

- (o) Re-roofing \$11.00/\$1,000 valuation
\$300 maximum
- (p) Parking Lot (repaving)
 - 1. 10,000 sq. ft. or less . . \$ 100.00
 - 2. Greater than 10,000 sq. ft . . \$ 250.00
- (q) The fee for sq. ft. and valuation cost may be averaged.
- (4) Signs.
 - (a) Permanent signs (The fee is calculated for the sign or individual signs conveying a single/continuous sign/message)
 - 1. 50 sq. ft. or Less . . \$ 50.00
 - 2. 51 to 100 sq. ft. . . \$ 100.00
 - 3. 101 to 200 sq. ft. . . \$ 150.00
 - 4. Greater than 200 sq. ft. . . \$ 200.00
 - (b) Canopies, awnings, etc., with or without signage . . \$ 75.00/each
 - (c) Inspection fee of internally illuminated electrical signs . . \$60.00/insp.
 - (d) Shop or site inspection of internally illuminated electrical signs . . \$200.00/insp.
 - (e) Replacement fee for sign permit tag or plate . . \$ 15.00/each
 - (f) Banner, construction or other temporary sign . . \$ 50.00/sign
 - (g) Sandwich board – per sign . . \$100.00/per yr.
 - (h) Annual maintenance inspection fee (fee notice to be sent by Feb. 1st each year).
 - 1. For sign, awning, canopy, etc., projecting into the City right-of-way . . \$ 50.00/sign
 - 2. Off-premise billboard sign . . \$ 80.00/sign
 - 3. Annual maintenance inspection fee is due and shall be paid by March 15th of each calendar year following installation.
 - 4. The fee is \$150.00 for each sign where the initial fee is not paid annually by March 15th.
- (5) Special Inspections
 - (a) Inspection request for non-working hours (overtime) to be paid

prior to inspection - charge includes up to 2 hours of inspection time maximum . . \$200.00

(b) Special inspection required whenever any work for which a permit required by this code has commenced without inspection and/or obtaining such permit. Fee to be paid prior to inspection . . \$200.00/inspector

(6) Written report request in response to a building, electrical, plumbing, or zoning inquiry.

(a) 1 or 2 family use properties . . \$100.00/parcel ID

(b) All other use properties . . \$200.00/parcel ID

(7) Replacement of inspection record card . . \$ 10.00/card

(8) Address frames, numbers, letters.

(a) Frame with numbers/letters . . \$ 10.00/set

(b) Numbers or letter . . \$ 2.00/ea.

(c) Frame . . \$ 5.00/ea.

(9) Temporary buildings, structures, trailers as allowed by the Building Code . . \$150.00

(10) Moving Buildings over public way.

(a) Permit fee - (plus other fees for construction) . . \$500.00

(b) \$10,000 bond to insure completion of building and site improvements for buildings moved from and/or to a site in the City of West Allis.

(11) Work started before permit has been issued
Triple Permit Fee, \$300.00 Minimum

(12) Appeals

(a) Variance to Property Maintenance Code Appeals Board . . \$ 50.00

(b) Variance to Board of Appeals . . \$150.00

(13) A service charge of \$25.00 will be assessed for fees paid by check and returned for non-payment. This fee is in addition to other City fees.

(14) For City property permits, fees are waived when the work is performed by

City Laborers. The Director may waive fees for other contracted City work requiring permits. The Director may reduce or waive fees for other than City work permits.

(15) Permit Refund. Excepting plan review, initiation, or special fees, that portion in excess of \$150.00 is eligible to be refunded to the permit holder for work not yet started if a request is made in writing. The request shall be made in writing to cancel the permit and must be received within 120 days of the issuance of the permit. Requests received after 120 days may be considered in accordance with City Policy & Procedures.

(16) Priority Plan Review. The fee for a priority plan review, which expedites completion of the plan review for building permit issuance in less than the normal processing time after the plan submission is complete and the plan is considered ready for review shall be five (5) times the plan review fee specified. Review will be completed in three (3) business days or less. For footing/foundation priority review, the review fee is two times the plan review fee. The permit issuance may be held until other municipal agencies have authorized issuance.

(17) Plan Examination Rejection. Plans that contain substantial errors or omissions may be rejected. A second submission and plan examination fee may be required for re-examination of a plan that has been rejected.

(18) Plan Examination Code Consultant.

(a) The fee for code consultation regarding the Uniform Dwelling Code shall be \$75 per hour, one-hour minimum

(b) The fee for code consultation regarding the Wisconsin Enrolled Commercial Building Code shall be \$100.00 per hour, one-hour minimum.

(19) State Modification Petition. The fee for processing a petition for an appeal or variance to the Wisconsin Department of Commerce shall be \$150.

(20) Posting. The fee for posting upon a premises any notice, order, or placard pursuant to Section 66.0413, Wisconsin Statutes, shall be \$200. The posting fee shall be assessed and collected as a special tax against the real estate upon which the notice, order, or placard was posted and shall be a lien upon the said real estate.

(21) Nuisance Abandoned Property Posting. The fee for posting a premise in accordance with Chapter 19 shall be \$317.00. This fee is determined by policy memorandum and may be adjusted by the Common Council.

(22) Processing Fee. For processing a bond, letter of credit or other surety posted for Plan Commission Approved Plan when demanded for failure to comply and City proceeds to install improvements. . . \$250.00

Part IX. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part X. This ordinance shall take effect and be in force on May 1, 2010.

Passed as Amended _____, 2010

Paul Ziehler, City Administrative Officer
Clerk/Treasurer

Approved as Amended _____, 2010

Mayor Dan Devine