

**VILLAGE OF WALDO, SHEBOYGAN COUNTY, WISCONSIN**

**ORDINANCE NO. 2025-02**

**AN ORDINANCE TO REPEAL, RECREATE, AND AMEND CHAPTER 67 OF THE MUNICIPAL CODE OF THE VILLAGE OF WALDO RELATING TO BUILDING CONSTRUCTION**

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**WHEREAS**, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, finds it necessary and appropriate to update Chapter 67, Building Construction, of the Municipal Code to reflect current state requirements and adopt provisions for enhanced regulation of building construction, permits, inspections, and enforcement; and

**WHEREAS**, the proposed amendments incorporate the Wisconsin Administrative Code provisions related to residential and commercial building codes, including SPS Chapters 302, 305, 316, 320–325, 361–366, 375–379, and 381–387, and further establish certified municipality status;

**NOW, THEREFORE**, the Village Board of the Village of Waldo, Wisconsin, does ordain as follows:

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**SECTION 1. REPEAL AND RECREATE SECTIONS OF CHAPTER 67**

Chapter 67 of the Municipal Code is hereby repealed and recreated to read as follows:

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**ARTICLE I: Uniform Dwelling Code**

**~~§ 67-1. Authority:~~**

~~These regulations are adopted under the authority granted by Wis. Stats. §§61.34 and 101.65, and Wisconsin Administrative Code COMM-20.~~

**~~§ 67-2. Purpose~~**

~~The purpose of this Article is to promote the general health, safety, and welfare and to maintain required local uniformity with the administrative and technical requirements of Wisconsin Uniform Dwelling Code.~~

**~~§ 67-3. Scope:~~**

~~A. General. This Article applies to the construction and inspection of one- and two-family dwellings built since June 1, 1980.~~

~~B. Dwellings Built Before June 1, 1980. Notwithstanding COMM 20.05, this article also applies to the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under COMM 20.19 and 20.21, respectively, shall be decided by the Village Board of Appeals. Petitions for variance shall be decided per COMM 20.19 (Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the Board of~~

Appeals approves petitions for variance, the Building Inspector is granted the power to apply the results to similar circumstances by precedent.

~~C. Detached Garages and Accessory Buildings. Notwithstanding COMM 20.05, this Article also applies to the construction and inspection of detached garages serving one- and two-family dwellings, and accessory buildings with more than one hundred fifty square feet (150 ft<sup>2</sup>) of floor area. The building and related systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.~~

#### **~~§ 67-4. Wisconsin Uniform Dwelling Code adopted:~~**

~~The Wisconsin Uniform Dwelling Code, Chapters COMM 20 – 25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings and structures within the scope of this Article.~~

#### **§ 67-1. Authority.**

These regulations are adopted under the authority granted by Wis. Stats. §§ 61.34 and 101.65 and Wisconsin Administrative Code SPS Chapters 320–325.

#### **§ 67-2. Purpose.**

The purpose of this Article is to promote public health, safety, and welfare by maintaining local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code and Commercial Building Codes.

#### **§ 67-3. Scope.**

- A. Applies to construction and inspection of one- and two-family dwellings and commercial buildings.
- B. Includes alterations and additions to dwellings built before June 1, 1980.
- C. Applies to detached garages and accessory buildings exceeding 150 square feet.
- D. Adopts standards for commercial buildings under SPS 361–366.

#### **§ 67-4. Wisconsin Administrative Code adopted.**

The following Wisconsin Administrative Code Chapters, and amendments thereto, are adopted by reference:

- SPS 302.31, Plan Review Fee Schedule
- SPS 305, Credentials
- SPS 316, Electrical Code
- SPS 320–325, Uniform Dwelling Code
- SPS 361–366, Commercial Building Code
- SPS 375–379, Buildings Constructed Prior to 1914
- SPS 381–387, Uniform Plumbing Code

## ARTICLE II: Building-HVAC-Electrical-Plumbing Inspector

### § 67-5. Building Inspector.

The Village Building Inspector shall be certified by the Wisconsin Department of Commerce, Division of Safety and Buildings, or its successor state agency, as specified by Wis. Stats. §101.66(2), in the category of Uniform Dwelling Code Construction Inspector. The Building Inspector or delegated representatives shall also possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. The Building Inspector or an authorized certified agent, while in performance of his/her duties, 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.

### § 67-6. When building permits and inspections are required<sup>1</sup>:

**Building permit and inspections are required.** A property owner, or his/her agent shall first obtain a building permit from the Building Inspector before starting a new building, or altering, expanding, or remodeling an existing building in excess of Two Thousand Dollars (\$2000.00) in market value in any twelve (12) month period within the scope of this Article. Any structural expanding or remodeling an existing building in excess of Two Thousand Dollars (\$2000.00) in market value in any twelve (12) month period within the scope of this Article. Any structural changes, major changes or upgrades to mechanical systems that involve extensions shall require permits, and be subject to inspections, if over the foregoing threshold. All electrical service installations or upgrades shall require Village issued permits and inspections. The purposes of the inspections under this Chapter are to ensure compliance with applicable Building Codes and to improve the quality of housing in the Village of Waldo. Such inspections do not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials is either expressed or implied.

**B. Building permit is required — no inspection is required.** Prior to starting work, a Building Permit must be obtained when the market value of the construction, enlargement, alteration, moving, or other repairs exceeds Two Thousand Dollars (\$2,000). Provided that the project does not increase a given occupancy or use or affect access to or efficiency of any existing stairways or exits, no inspections shall be required.

— Market value shall be the higher of the actual amounts expended or the reasonable amount that would have been charged by a competent and experienced contractor. These permits may be obtained at the Village Hall during normal business hours.

— [Such projects may involve re-siding, replacing windows or doors, re-roofing, or accessory buildings under one hundred fifty square feet (150 ft<sup>2</sup>) of floor area.]

**C. Building permit is not required.** No building permit shall be required when the project is limited to repairs and replacements in any existing building or structure which do not exceed more than Two Thousand dollars (\$2000.00).

— [Such projects may involve cabinets, countertops, interior refinishing, carpet, trim, or light fixture replacements.]

#### **§ 67-5. Creation and Appointment.**

1. The position of Building Inspector is hereby established. The Building Inspector shall be appointed by the Village and certified under SPS 305 of the Wisconsin Administrative Code.
2. The Inspector may appoint or employ certified assistants, as necessary.

#### **§ 67-6. Duties and Powers.**

1. The Building Inspector shall enforce all provisions of this Chapter.
2. The Building Inspector or authorized agent may, at reasonable hours, enter public or private premises for inspection purposes and require the production of any permits related to building, plumbing, electrical, or heating work.
3. Special inspections and warrants. The building inspector shall investigate all complaints made relating to the location of structures and the use of structure, land, and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the village attorney in a matter specified by him. In cases of denied access, the Inspector may apply for a special inspection warrant per Wis. Stat. § 66.0119.

#### **§ 67-7. When building permits and inspections are required. Permits are required before starting a new building, or altering, expanding, or remodeling an existing building.**

1. Building permits and inspections are required for:
  - New construction of dwellings and commercial buildings.
  - Alterations, additions, or structural changes exceeding \$2,000 in market value.
  - ~~Replacement of major equipment (e.g., furnaces, central air units, water heaters).~~
  - Electrical, HVAC, and plumbing work for new construction or remodeling.
2. Permits without inspection are required for projects such as re-siding, roofing, and window replacements exceeding \$2,000 in value.
3. No permits are required for projects under \$2,000, such as minor repairs or cabinet replacements.

#### **§ 67-8. Building permit and inspection fees.**

Fees shall be as established in Chapter A212, Fee Schedule, and amended by Village Board resolution.

**§ 67-9. Building permit lapses or revocation.**

Permits shall lapse after 12 months unless renewed. The Village Board or Building Inspector may revoke permits for non-compliance.

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**ARTICLE III: Certified Municipality Status**

**§ 67-10.** The Village of Waldo is hereby designated as a Certified Municipality under SPS 361.60 of the Wisconsin Administrative Code.

- A. **Responsibilities.** As a Certified Municipality, the Village shall assume the following responsibilities from the Wisconsin Department of Safety and Professional Services:
- B. Provide inspection of commercial buildings with certified commercial building inspectors.
- C. Provide plan examination for commercial buildings with certified inspectors.

**1. Plan Examination Requirements.**

Drawings, specifications, and calculations for all building types, except state-owned buildings, shall be submitted for review under the following conditions:

- A. New buildings or structures containing less than 50,000 cubic feet of total volume.
- B. Additions resulting in a total building volume of less than 50,000 cubic feet.
- C. Alterations involving less than 100,000 cubic feet of total volume.
- D. Waivers of jurisdiction may be granted by the Department or the Village as applicable.

**2. Plan Submission Procedures.** All commercial building plans must include:

- A completed building permit application.
- An application for review (SBD-118 or equivalent).
- Fees per SPS 302.31-2 and SPS 302.31.
- Four sets of signed and sealed plans per SPS 361.31, one set of specifications, and system/component plans.

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**ARTICLE IV: Smoke and Carbon Monoxide detectors**

**§ 67-11 Smoke detectors and carbon monoxide detectors required by state code.**

1. *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicated a different meaning:
  - A. *Carbon monoxide detector* means an electronic or battery-operated device that sounds an alarm when an unsafe level of carbon monoxide is in the air.
  - B. *Smoke detector* means a device which detects particles or products of combustion other than heat.
2. *Installation, maintenance, and testing.*
  - A. The owner is responsible to notify the tenant of the tenant's responsibility to replace batteries. Upon original occupancy or re-occupancy, the owner must notify the tenant in writing that the smoke detectors in individual units are operable and make the tenant aware of the manufacturer's recommendation for testing. The tenant must acknowledge this written notification by signature.
  - B. When two-family units have a single stairway for entry to the upper unit but have a second means of escape such as a doorway to a porch or jump platform, an interconnected system will not be required. The second means of escape shall be far enough removed from the main entry to be practical.
  - C. The tenant is responsible for testing the smoke detector according to manufacturer's recommendations. Periodic battery replacement is the responsibility of the tenant. If the tenant finds through testing that a defect exists, he shall notify the owner immediately and the owner shall correct the defect. The owner shall have 72 hours from receipt of written notice from the tenant to repair or replace the smoke detector.
3. *Special Installations.*
  - A. In addition to the other provisions of this section, in buildings where a common hallway is used, smoke detectors shall be spaced not more than 30 feet apart in such hallways in addition to basement and stairway installation pursuant to other provision of this section. Hallway, stairway, and basement detectors shall be installed as part of an interconnected system.
  - B. In occupancies where the basement is served by two or more required standard exits, the area between the exits shall be considered as a common hallway and shall meet requirements of spacing as described in subsection (3)(A) of this section.
  - C. If the owner of any building described in this section has improperly installed smoke detectors, he shall be allowed a five-day period from the date of receipt of written orders in which to comply.
4. *Approval.* A smoke/CO<sub>2</sub> detector required under this section shall be approved by Underwriters Laboratory or other comparable testing firm.

5. Equipment, installation, and maintenance. Ionization type or photoelectric type detectors may be used. AC powered detectors must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of AC powered detectors shall conform to all electrical standards adopted by the Village. A smoke detector required under this section shall be installed according to the directions and specifications of the manufacturer, but if in conflict with the Village's electrical code, the electrical code shall take precedence.
  6. Department inspections and orders. The fire inspector may inspect all residential buildings and may issue orders as may be necessary to ensure compliance with this section. The fire inspector may be contacted for recommendations when an owner is concerned about installation and number of detectors. Inspection of hallway, stairway, and basement detectors shall be routine in buildings inspected by the fire inspector. Inspection of new construction shall be carried out by the building inspector on his/her final inspection.
  7. Tampering prohibited.
    - A. No person shall tamper with a smoke detector, its electrical supply, or remove or disconnect the battery in a detector.
    - B. If the fire department responds to a smoke detector alarm and no cause for the system or detector to be activated is found, the possibility exists that batteries shall be removed or other measures taken to silence the detector or system. Such action shall in no way place liability on the fire department. The owner or manager of the building shall be notified immediately by the officer in command concerning the condition and the owner shall have the system or detector operable within 72 hours thereafter.
  8. Penalty. Any violation of or noncompliance with any of the provisions of this section shall subject the violator to a forfeiture of not less than \$50.00 nor more than \$250.00. Each day of violation or noncompliance shall constitute a separate offense.
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## **ARTICLE V: Building Razing and Demolition**

### **§ 67-12. Permit required.**

No person, firm or entity may cause or commence the demolition of any structure or part of a structure greater than four hundred square feet (400 ft<sup>2</sup>) in area without having first applied for and obtained a demolition permit from the Building Inspector.

### **§ 67- 13. Application.**

An application for a permit to demolish all or part of a structure shall include the following information:

1. The name and address of the owner of the structure on the date of application and, if different, on the date of demolition;

2. The name, address, and telephone number of the contractor(s) performing the work;
3. A description of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties.

#### **§ 67-14. Utilities.**

Along with the permit application, the applicant shall present a release from all utilities serving the property stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

#### **§ 67-15. Demolition.**

The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

#### **§ 67-16. Clearing, filling, and grading the site.**

1. The site of any demolition shall be cleared of debris, rubbish, and pavement; graded and leveled to conform with the adjoining grade of neighboring properties; and seeded, sodded, or treated in some other manner acceptable to the municipality so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded, and covered within thirty (30) days after demolition was commenced.
2. Excavations shall not be filled with any materials subject to deterioration.

#### **§ 67-17. Removal and disposal.**

Removal, transportation, and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable State, Federal and local statutes, ordinances, and regulations.

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### **ARTICLE VI: Building Moving**

#### **§ 67-18. General.**

No person shall move any building or structure upon any public street or right-of-way of the Village without first obtaining approval of the Building Inspector and paying the required fee. Such moving permit shall designate the route to be taken, the conditions to be complied with, and shall limit the time during which moving operations may occur.

#### **§ 67-19. Continuous movement.**

The movement of buildings or structures shall be a continuous operation during all hours of the day and night until such movement is fully completed. Such operations shall be performed with the least possible obstruction to thoroughfares.

#### **§ 67-20. Street repair.**



Every person receiving a moving permit shall, within 24 hours after said building or structure reaches its destination, report the fact to the Village Office and staff will thereafter inspect the streets over which the move took place and ascertain their condition. If the move causes any damage to any street or highway, the permit holder shall immediately place them in good repair as they were before the permit was granted. Should the permit holder fail to do so within ten (10) days thereafter to the satisfaction of the Village, the Village shall repair the streets and hold the permittee and the sureties on his bond responsible for payment of it.

#### **§ 67-21. Conformance with Code.**

No person shall be issued a permit to move a building or structure within or into the Village and to establish it upon a location within the Village until the Building Inspector has made an investigation of the same at the location from which it is to be moved and is satisfied from such investigation that it is in a sound and stable condition and of such construction that it will meet the requirements of all Village building ordinances. A complete plan of all further repairs, improvements, and remodeling of the structure shall be submitted to the Building Inspector, who shall ensure that all such work is in conformity with the requirements of applicable regulations.

#### **§ 67-22. Bond.**

Before a moving permit is issued, the applicant shall make a cash deposit to the Village in an amount of Five Thousand Dollars (\$5,000.00). The deposit shall be held for indemnification of the Village 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 Village in connection therewith, arising out of the moving of the structure for which the permit is issued.

#### **§ 67-23. Insurance.**

The Village shall also require the applicant to obtain and provide proof of general liability and property damage insurance of at least \$500,000 per occurrence, or such other coverage as is deemed necessary.

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### **ARTICLE VII: Violations and Penalties**

#### **§ 67-23. Prohibited Acts.**

No person, entity, or firm may construct, remodel, demolish, or repair any building in violation of this ordinance.

#### **§ 67-24. Penalties.**

Any building or structure hereafter erected, enlarged, altered, or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure, or use. The Building Inspector shall promptly report all such violations to the village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector or other Village officials constitute

a defense. Compliance with the provisions of this Chapter may also be enforced by injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- A. If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(1)(c), Wis. Adm. Code.
- B. If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- C. ~~Any person, firm or corporation that shall violate any of the provisions of this Chapter shall forfeit not more than \$100 and the costs of prosecution. Each day's violation of the provisions of this Chapter shall constitute a separate offense.~~

C. Violations of this ordinance shall result in forfeitures of no less than \$25.00 and no more than \$1,000.00 per day of non-compliance, along with costs of prosecution.

- D. If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code commenced prior to the issuance of a permit, double fees shall be charged. Any person feeling aggrieved by an order, or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectively make an appeal to the Board of Appeals shall apply.
- E. Except as may otherwise be provide by the Statute or Ordinance, no officer, agent or employee of the Village of Waldo charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent, or employee of the Village as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

#### **§ 67-25. Nuisance Declaration.**

Violations of this ordinance are deemed public nuisances that may be enjoined through civil action.

#### **§ 67-26. Severability.**

Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter and the applicable Municipal Code section shall not be affected.

#### **§ 67-27. Moratorium terminated.**

The moratorium on the issuance of building permits and the construction, alteration, or remodeling of buildings within the Village is terminated.

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**SECTION 2. EFFECTIVE DATE**

This ordinance shall take effect upon passage by the Village Board and publication/posting as required by law.

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Adopted this 13 day of January 2025.

**VILLAGE BOARD OF THE VILLAGE OF WALDO**

Attest: Lisa Gillette  
Lisa Gillette, Village Clerk/Treasurer

By: [Signature]  
Gary Dekker, Village President