

**VILLAGE OF WALDO
SHEBOYGAN COUNTY, WISCONSIN
ORDINANCE NO. 2026-02**

**AN ORDINANCE CREATING ARTICLE IX – OCCUPANCY PERMITS
IN CHAPTER 67, BUILDING CONSTRUCTION**

WHEREAS, the Village of Waldo is authorized under Wisconsin law to enact ordinances to protect the public health, safety, and welfare of residents and visitors; and

WHEREAS, the Village Board finds that the use and occupancy of buildings without appropriate review and approval may pose risks related to fire safety, life safety, zoning compliance, and general welfare; and

WHEREAS, the Village’s zoning ordinances regulate the permitted use of land and buildings, but Chapter 67 of the Village Code has not previously required a formal occupancy permit prior to the use or re-use of buildings and structures; and

WHEREAS, the Village Board finds that the absence of an occupancy permit requirement creates uncertainty regarding compliance with zoning, fire, and safety regulations, particularly where buildings undergo changes in use, ownership, or tenancy; and

WHEREAS, the Village Board recognizes that, in certain circumstances, building inspection authority rests with the State of Wisconsin, while zoning and local life-safety enforcement authority remains with the Village; and

WHEREAS, the Village Board desires to establish a clear, uniform, and prospective occupancy permit process to ensure that buildings are occupied only for permitted uses and only after appropriate review by Village officials and, when applicable, the State of Wisconsin; and

WHEREAS, the Village Board intends that this ordinance clarify future requirements and procedures and not retroactively legalize any use or occupancy that was unlawful or unauthorized at the time this ordinance was adopted;

NOW, THEREFORE, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Creation of Article IX-Occupancy Permits

Chapter 67 of the Village Code is hereby amended by creating Article IX – Occupancy Permits, to read as follows:

ARTICLE IX- Occupancy Permits

§ 67-30. Occupancy permit required.

No building or structure, or any part thereof, shall be occupied, used, or re-occupied, nor shall any change in use or occupancy occur, until an occupancy permit has been issued as provided in this article. This requirement shall apply to all residential, commercial, industrial, institutional, and mixed-use buildings and structures within the Village.

§ 67-31. When required.

An occupancy permit shall be required in the following circumstances:

- A. Prior to the initial occupancy of any newly constructed building or structure.
- B. Prior to the occupancy of any existing building following a change in use or occupancy classification.
- C. Prior to occupancy by a new owner, tenant, or user of a commercial, industrial, or multi-family building following a vacancy or transfer of possession, regardless of whether the use classification changes.
- D. Following any remodeling, reconstruction, or alteration that affects life safety, means of egress, fire protection, or code compliance, as determined by the Building Inspector or other authorized Village official.

§ 67-32. Application.

Application for an occupancy permit shall be made to the Building Inspector or other designated Village official on a form provided by the Village and shall include such information as is reasonably necessary to determine compliance with applicable zoning, building, fire, and safety regulations.

§ 67-33. Issuance.

An occupancy permit shall be issued only upon a determination that:

- A. The proposed use is permitted under the Village's zoning ordinances; and
- B. The building or premises comply with applicable Village ordinances and State of Wisconsin building, fire, and safety codes; and
- C. All required inspections and approvals have been completed by the Village and/or the State of Wisconsin, as applicable; and
- D. When applicable based on the nature of the use or occupancy, a site walk-through has been conducted and approved by the Building Inspector and/or Fire Chief, or their designees.

Where building inspection authority rests with the State of Wisconsin, issuance of an occupancy permit by the Village shall be contingent upon receipt of confirmation of State approval, when required. Approval by the Building Inspector and Fire Chief shall be limited to conditions within their respective areas of authority and shall not be construed as approval of construction subject to State jurisdiction.

§ 67-34. Temporary occupancy permits.

The Building Inspector or designee may issue a temporary occupancy permit for a limited period of time when it is determined that temporary occupancy will not endanger life, health, or safety and that outstanding items will be corrected within a specified time frame. Such permit shall be issued in writing and shall state the conditions and expiration date.

§ 67-35. Enforcement.

No person shall occupy or permit the occupancy of any building, structure, or premises in violation of this article. Any violation of this article shall be subject to the penalties set forth in Article VIII of this chapter. The Building Inspector or other authorized Village official is authorized to order the cessation of use or occupancy and to pursue enforcement through citations, forfeitures, injunctions, or other remedies authorized by law. Each day a violation continues shall constitute a separate offense.

Any person aggrieved by a decision under this Article may appeal such decision to the Village Board within 30 days of written notice of the decision. The Village Board's decision on appeal shall be final.

§ 67-36. Existing conditions (Grandfather / Transition Provision).

This article shall apply prospectively only. Nothing in this Article shall be construed to legalize, authorize, or permit any use or occupancy that was unlawful, unauthorized, or in violation of Village ordinances or State law at the time this article is adopted.

Any building, structure, or premises lawfully occupied prior to the effective date of this article may continue such lawful occupancy; however, any change in use, change in occupancy, new tenancy, expansion, or re-occupancy after vacancy shall require full compliance with this article.

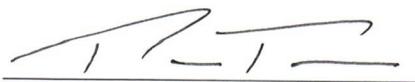
Section 2. Severability.

If any provision of this Ordinance is found to be unlawful or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions.

Section 3. Effective Date.

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

Passed and adopted by the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, this 9th day of March, 2026.

By: 
Travis Thomas – Village President

Attest: 
Lisa Gillette – Village Clerk/Treasurer