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**Chapter 74 – Building Code and Permit Regulations**

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## Chapter 74 Building Code and Permit Regulation

**74.01 TITLE.** This ordinance shall be known as, referred to, and cited as the building code and permit regulations, Town of Mitchell, Sheboygan County.

**74.02 AUTHORITY, PURPOSE, AND SCOPE.**

- A. Authority. This ordinance is adopted in accordance with the authority granted by Sections 62.23, 66.301, 66.302, 66.303, 101.65, and 101.76 *Wisconsin Statutes* and Sections Comm 20.02(1), Comm 66.04(C), and Comm 50.06 *Wisconsin Administrative Code*.
- B. Purpose. The purpose of this Chapter 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 (UDC).
- C. Scope.
1. The provisions of the UDC shall apply to the construction and inspection of one- and two-family dwellings built since June 1, 1980.
  2. Notwithstanding section Comm 20.05 (*Admin. Code*), the provisions of the UDC shall also apply to the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980.

**74.03 JURISDICTION.** No person shall construct, alter, wreck, raze, move, or place any building or structure on property in the Town nor place a culvert within a public road right-of-way or construct a driveway unless the same has received the necessary permit or permits. The Town requires:

- A. Building Permits. For the construction of any structure or building or any alteration that, in any twelve month period, costs or is valued at \$1,000.00 (one thousand dollars) or more; including, but not limited to, the applying of new siding or roofing, insulating existing structures, or the changing of any electrical service. Any structural changes or major changes to mechanical systems (plumbing, electrical, heating, ventilating, or air conditioning) that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Town Building Inspector is exempted from permit requirements. Finishing of interior surfaces and installation of cabinetry shall be exempt from permit requirements.
- B. Moving Permits. For the moving of any building or structure into, out of, or within the Town over public roads.
- C. Wrecking Permits. For the wrecking or razing of any building or structure.
- D. Relocating Permits. For the placement of any pre-existing residential structure on a lot or tract of land in the Town.
- E. Occupancy Permits. Before newly constructed or relocated dwelling units; mobile or manufactured home; business, office, manufacturing, or industrial building; and any additions are occupied for their intended use.
- F. Driveway and Culvert Permits. For the placement, improvement, or relocation of a culvert within a public road right-of-way or as required by a storm-water management plan required under 72.22; or for the construction, improvement, or relocation of a driveway or field entrance within or outside of the public road right-of-way on a lot or tract of land in the Town.

**74.04 to 74.09 RESERVED**

**74.10 BUILDING INSPECTOR.** There is hereby created the position of Town Building Inspector, who shall administer and enforce this Chapter and shall be certified by the Division of Safety & Buildings, as specified by *Wisc. Stats.*, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

**74.11 ISSUANCE OF PERMITS.**

- A. All building, moving, wrecking, and occupancy permits will be issued by the Town of Mitchell Building Inspector.
- B. All relocating permit applications for the placement of a pre-existing residential structure in the Town shall be made to the Town building inspector and may be referred to the Town Board for action at any regular meeting.
- C. All driveway and culvert permits will be issued by the Town of Mitchell Highway Commissioner.
- D. Permit Length.
  - 1. Permits for the construction of a new one- or two-family residential structure shall be issued for a period of 2 years from the date of issuance.
  - 2. All other permits will be issued for a period of 1 year from the date of issuance.

**74.12 APPLICATION REQUIREMENTS.**

- A. Applications for all permits may be made by the builder or the owner of the lot or tract of land upon which the building or structure is to be placed.
- B. Building permit applications for a new structure or an addition to an existing structure shall include the following information:
  - 1. Proof that the applicant is the owner of the lot or tract of land on which the building is to be placed or that the builder represents the owner;
  - 2. Proof that the lot or tract of land meets the requirements of section 74.24 B., and has either an existing driveway with culvert that meets the requirements of Sections 22.06 and 74.24 C., or has been issued a Town Driveway and Culvert Permit per Sections 22.06 and 74.12 G., Mitchell Code of Ordinances, and of this chapter.;
  - 3. Proof that all requirements of the Sheboygan County sanitary regulations are met (see chapter 70, Sheboygan County Code of Ordinances);
  - 4. Proof that all requirements of the Sheboygan County subdivision regulations are met (see chapter 71, Sheboygan County Code of Ordinances);
  - 5. Two sets of plans of the proposed building or addition as required by Comm 20.09(4)(a) with the plot plan also showing the set-back requirements in section 74.24 A., of this Code; and
  - 6. The heat loss calculations required by Comm 20.09(4)(b).
- C. Applications for structural and non-structural alterations, including heating and related work, which will be entirely within an existing structure shall include the following information:
  - 1. Proof that all requirements of the Sheboygan County sanitary ordinance are met (see chapter 70, Sheboygan County Code of Ordinances); and
  - 2. A floor plan of the proposed structural alteration will be required to obtain a permit; a floor plan may be required for non-structural alteration work.
- D. Applications for moving of a building or structure shall include the following information:
  - 1. The estimated height and width of the building (including the height and width of the chassis or trailer on which the building is to be moved) while it is being moved;
  - 2. When and along which roads it is anticipated that the building will be moved.



Section 72.12, Application Requirements (cont)

- E. Applications for wrecking or razing of a building or buildings shall identify who will be doing the wrecking or razing and how it will be done.
- F. Applications for placement of a pre-existing residential structure on a lot or tract of land in the Town shall include :
  - 1. All the information required in section 74.12 B., above; and
  - 2. Either:
    - a) A statement from a municipal building inspector or other qualified person that the pre-existing residential structure meets all current building code requirements for such structures (Comm 20 to 25 for 1- and 2-family dwellings or COMM 27 for manufactured homes). In the case of a new mobile (manufactured) home as defined in Sec. 218.10(7) *Wisc. Stats.*, the statement may be from the manufacturer or dealer of the home; OR
    - b) For a pre-existing residential structure that does not meet the requirements of paragraph 74.12 F.2.a) above,
      - 1) A binding agreement between the Town and the person wishing to move the pre-existing residential structure into the Town to rehabilitate, alter, or reconstruct the pre-existing residential structure so that it will meet all current code requirements within 1-year of moving the structure into the Town; and
      - 2) Proof that the said person has made application to the Town building inspector for the necessary building permits.
- G. Applications for a Town Driveway and Culvert permit shall be made in writing upon forms issued by the Town Clerk, shall be accompanied by the fees prescribed in Section 52.22 B [or 52.74 A. 7.], *Mitchell Code of Ordinances*, and shall be referred to the Town Highway Commissioner to confirm compliance with the requirements of this chapter and Chapter 22, *Mitchell Code of Ordinances*.

**74.13 PROCEDURE FOR ISSUING PERMITS.**

**A. Pre-Existing Residential Structure.**

- 1. Application for a permit to permanently locate a pre-existing residential structure in the Town shall be made to the Town building inspector including all information required in 74.12 B., and 74.12 F, above.
- 2. The building inspector shall issue the permit if the application to place the pre-existing residential structure includes a statement that meets the requirements of section 74.12 F.2. a), above.
- 3. The building inspector shall refer the application to the Town Board for approval if the application to place the pre-existing residential structure includes the agreement required in Section 74.12 F. 2. b), above.
- 4. The Town Board will review the application and the permit shall not be granted unless the Town Board determines:
  - a) that the requirements of sections 74.24 and 74.25 have been met,
  - b) that the proposed site will adequately support the required sanitary facilities for the proposed pre-existing residential structure,
  - c) that its location will not result in an adverse effect on surrounding property values,
  - d) that conditions of health and safety will not be impaired by such location, and

**Section 74.13 A.4., Procedures for Issuing Permits, Pre-existing Residential Structures (conf)**

- e) that the binding agreement required under paragraph 74.12 F.2.b) is acceptable to the town.
  5. If the Board refuses to issue the permit, such refusal shall be in writing and shall set forth the grounds upon which the denial is based.
- B. All Other Permits.**
1. Application shall be made to the Town building inspector and
  2. The building inspector shall issue the permit if the application meets all requirements of these regulations.

**74.14 APPEAL PROCEDURES.**

- A. The Town Board shall act as a board of appeals and when so acting shall follow the procedure set forth in Section 62.23(7)(e) of the *Wisconsin Statutes* and section Com 20.19 and 20.21 *Admin. Code*.
- B. Petitions for variances and final appeals from the application of UDC requirements for alterations or additions to one- and two-family dwellings built before June 1, 1980 shall be decided per section Comm 20.19 of the *Administrative Code* so that equivalency is maintained to the intent of the rule being petitioned.
- C. In the event the application for a relocating permit shall be denied by the Town Board the applicant, within 20 days of such denial, may request a rehearing on the application. Such application shall be in writing. The Town Board shall schedule the matter for public hearing within 45 days after receipt of the request for rehearing. At such hearing all interested parties shall be given the opportunity to be heard on all issues dealing with the application and the Board's initial determination.
- D. In the event that the required rehabilitation, alteration, or reconstruction of a pre-existing residential structure is not completed with the time specified in 74.12 F.2.b) the owner, upon showing of a good faith effort to complete and unusual circumstances which lead to the failure to complete the necessary work on the structure, the Town Board may approve an extension of 6-months to the time for completion.
- E. A variance to the set-back provisions of section 74.24 A., may be obtained from the Town Board following the procedures set forth in the *Wisconsin Statutes*.

**74.15 to 74.20 RESERVED**

- 74.21 REPEAL OF EXISTING ORDINANCES.** All other ordinances or parts of ordinances of the Town of Mitchell, Sheboygan County, inconsistent or conflicting with this ordinance, including but not limited to the previously adopted building code and mobile home site ordinances, are hereby repealed.

**74.22 CODE ADOPTION AND AMENDMENT.**

- A. Adoption:**
1. For construction or alteration of or addition to 1- and 2-family dwellings, the Wisconsin Uniform Dwelling Code (Comm 20 through 25), as currently enacted, is adopted as the building code for the Town of Mitchell. Said code is made a part of these regulations by reference as though set forth herein in complete detail and is on file in the office of the Town clerk.
  2. For the construction or alteration of or addition to multi-family buildings Comm 66.



74.22 A., Code Adoption and Amendment, Adoption (cont)

3. For the construction or alteration of or addition to business, office, or industrial buildings Comm 50 to 64.
- B. Any amendment to the provisions of the above referenced codes by the State of Wisconsin Department of Commerce to the extent the same are not in conflict with the modifications set forth in these regulations shall be in full force and effect for the Town of Mitchell upon filing a copy of said amendments with the Town clerk.
- C. Any amendments to the provisions of the above referenced codes by the State of Wisconsin Department of Commerce which are in conflict with the modifications set forth in these regulations shall be reviewed by the Town Board and may be included in these regulations after hearing and adoption by the Board.
- D. The Town Board may from time to time revise or amend these regulations after hearing and adoption by the Board.
- E. Any hearing required by this section shall be held at a time and place set by the Town Board and a Class 2 notice shall be posted and published in *The Review*.

74.23 DEFINITIONS.

- A. In General. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The words "shall" and "will" are mandatory and directory and the word "may" is permissive.
- B. Specific Words and Phrases. For the purposes of this code, words and phrases defined in Comm 20.07 and the following are adopted:
  1. *Building*. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.
  2. *Camping Trailer*. A vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.
  3. *Cubic Content*. That volume of a building or structure enclosed by the outer surface of the exterior walls from the top of the footing to the top of roof.
  4. *Living Space*. The square footage of a building or structure meant for residential occupancy bounded by the exterior walls of the building at the floor levels, but not including bay windows, basements, garages, carports, open porches, decks, breezeways, unfinished attics, and any areas of the structure where the interior ceiling height is less than 7.5 feet.
  5. *Manufactured Home*. A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Section 5401 (the National Manufactured Home Construction and Safety Standards Act), is transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, is built on a permanent chassis, and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. (See also mobile home).
  6. *Mobile Home*. A factory-built, transportable, single family structure built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, that is transportable in one or more sections, is at least 8 feet in width, is built on a permanent chassis, and is used or intended to be used as a dwelling unit (see also manufactured home).

Section 74.23 B., Definitions, Specific Words and Phrases (cont)

7. *Outbuilding.* A detached building that is not used for or intended to be used for residential purposes; for example, tool sheds, farm buildings, and similar.
8. *Pre-existing Residential Structure.* A one- or two-family structure or manufactured or mobile home which has been constructed or manufactured outside of the town and which is to be moved into the town.
9. *Principal Building.* A building in which the primary use of the lot or parcel on which the building is located is conducted.
10. *Recreational Vehicle.* A mobile home that does not exceed a length of 45 feet.
11. *Structure.* A combination of materials such as in-ground swimming pools, concrete garage aprons, towers, carports, and similar.

**74.24 MINIMUM REQUIREMENTS FOR ALL BUILDINGS OR STRUCTURES.**

**A. Set-Back Requirements.**

1. For lots or parcels that existed as of July 6, 1996, the minimum set-back from the center line of any roadway shall be 75 feet upon which area no building or structure, except paved driveways, garage aprons, and similar, can be erected.
2. For lots or parcels created after July 6, 1996, the minimum set-back from the center line of any roadway shall be 100 feet upon which area no building or structure, except paved driveways, garage aprons, and similar, can be erected.
3. Nor shall any building or structure be erected closer than 10 feet from the side or the rear lot lines.
4. A variance to these set-back provisions may be obtained from the Town Board.

**B. Minimum Lot Size.**

1. No building permit shall be issued for any lot area that is less than 3 acres (130,680 sq.ft.) in size.
2. No land area may be split off from its present boundaries unless the same has a minimum of 3 acres (130,680 sq.ft.) in each of the parcels resulting from such lot splitting.
3. Building permits for substandard lots recorded prior to February 10, 1975, may be issued so long as the county sanitary regulation can be complied with.
4. Building permits for substandard lots recorded between February 10, 1975 and June 23, 1997, that are at least 1 acre (43,560 sq.ft.) in size may be issued so long as the county sanitary regulations can be complied with.
5. Building permits for lots created under Chapter 79 of this code may be issued so long as the county sanitary regulations can be complied with.

**C. Minimum Driveway Requirements. All driveways developed in the Town of Mitchell after January 8, 2001 shall have:**

1. A surface that is drive-able in all weather conditions, that is: and that
  - a. At least a minimum of 12 (twelve) feet in width along its entire surface, and is at least 16 (sixteen) feet in width where it intersects with the public road;
  - b. The edges of the drive-able surface shall be no closer than 10 (ten) feet to any side or rear lot lines; and
  - c. The centerline of the drive-able surface shall intersect the public roadway at as near a right angle as possible; and is at least a minimum of 12-feet in width; and
2. An area clear of brush, stones, trees, or similar obstructions that measures 24-feet horizontally (centered on the centerline of the drive-able surface) and 14-feet vertically (measured from the top of the drive-able surface).



**74.25 MINIMUM REQUIREMENTS FOR 1- AND 2-FAMILY DWELLINGS,  
MANUFACTURED DWELLINGS, AND MANUFACTURED (MOBILE)  
HOMES.**

**A. Lot Area Per Family.**

1. No building permit shall be issued for any lot, parcel, or tract of land which does not provide a minimum of 3 acres (130,680 sq.ft.) for each dwelling unit proposed for the lot, parcel, or tract of land.
2. No land area may be split off from its present boundaries unless the same has a minimum of 3 acres (130,680 sq.ft.) per dwelling unit in each of the parcels resulting from such lot splitting.
3. Building permits for substandard lots recorded prior to February 10, 1975, may be issued for a single family dwelling unit so long as the county sanitary regulation can be complied with.
4. Building permits for substandard lots recorded between February 10, 1975 and June 23, 1997, that are at least 1 acre (43,560 sq.ft.) in size for a single family dwelling unit may be issued so long as the county sanitary regulations can be complied with.
5. Building permits for lots created under Chapter 79 of this code for a single family dwelling unit may be issued so long as the county sanitary regulations can be complied with.

**B. Minimum Building Size. All dwelling units, including all pre-existing residential structures placed in the Town, shall be a minimum of 900 square feet of living space.**

**C. Foundation Requirements.**

1. All shall be erected on a Uniform Dwelling Code compliant foundation.
2. Structures placed on floating slabs shall require the submittal of engineered structural drawings for the slab which are prepared by a professional engineer. The Town building inspector may require state approval or review and approval by an independent professional engineer for such drawings. Any costs incurred by the Town shall be the responsibility of the applicant.

**D. Pre-Existing Residential Structures.**

1. No pre-existing residential structures shall be located within the Town of Mitchell for any use unless the owner of the land upon which the same is to be located shall first obtain a relocating permit for the same. Parking of a camping trailer or recreational vehicle which are licensed for use in the State of Wisconsin that are not placed on a permanent foundation or are not connected to utilities may be parked on any lot or parcel in the town without prior approval of the Town Board.
2. It is unlawful to bring into and use as a residence in the Town of Mitchell any pre-existing residential structure unless it has complied with the provisions in section 74.12 F.2.a) or b) of this code.

**74.26 to 74.30 RESERVED**

**74.31 PERMIT FEES.** Permit fees shall be as set in Section 52.74, *Mitchell Code of Ordinances.*

**74.32 PENALTIES.**

- A. Failure to obtain a permit prior to beginning any work will double the fees.
- B. Failure to complete the rehabilitation, alteration, or reconstruction required by section 74.12 F.2.b) of this Chapter within the time specified, unless an extension has been granted under 74.14 C., will:
  1. Result in the revocation of the permit to place the pre-existing residential structure in the Town of Mitchell,



**Section 74.32 B. Penalties (cont)**

2. Require the removal of the pre-existing residential structure from the Town. Should the owner of the structure not remove it from the Town within 30 days, the Town will contract for and will charge the owner for its removal.
- C. The enforcement of this Chapter and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures, and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance.

**74.33 EFFECTIVE DATE.** The provisions of this Chapter shall be effective upon passage and publication or posting as required by law.