

CHAPTER 14

BUILDING CODE

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14.01 Authority

These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761, 62.23 {and by its adoption of Municipal powers under Section 60.10(2)(c), 60.22(3), 61.34(1)} of the Wisconsin Statutes.

14.02 Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare by establishing performance minimums and minimum standards for the design, construction, alteration, use and occupancy of buildings and structural alterations as defined herein and parts thereof and of all systems, including plumbing, heating and ventilating, air conditioning, electrical and fire protection installation within buildings.

14.03 Scope

This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Not included are children's play structures.

14.04 Waukesha County Ordinances Adopted

The provisions of the county ordinances which are hereinafter set forth are hereby adopted by reference and made a part of this chapter as though fully set forth herein with respect to building location and construction. All future amendments, revisions or modifications to any of the following which may hereafter be adopted from time to time, shall upon adoption be part of this chapter:

- (1) The Waukesha County Zoning Ordinance.
- (2) The Waukesha County Shoreland and Floodland Protection Ordinance.

14.05 Permit Required

Prior to commencing any of the following work, the owner of the property upon which the work is performed, or the agent thereof, shall obtain from the Town Building Inspector the appropriate permit or permits as required by this code.

- 1) New buildings.
- 2) Additions including decks that increase the physical dimensions of a building.
- 3) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
- 4) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment.
- 5) Alterations to plumbing, venting, electrical or gas supply systems.
- 6) Any electrical wiring for new construction or remodeling.
- 7) Any HVAC for new construction or remodeling.
- 8) Any plumbing for new construction or remodeling.
- 9) Agricultural buildings.

Exempted are re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof. Exempt are normal repairs performed in (6) (7) (8) above.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Town Board. If work commences prior to permit issuance, double fees may be charged by the Building Inspector.

14.06 Building Permit Expiration

Non-UDC building permits shall be valid for a period of 12

months.

14.07 Adoption of Codes

The following provisions of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Chapter as though fully set forth herein. All future amendments, revisions or modifications to the following provisions which may hereafter be adopted from time to time, shall, upon adoption, be part of this Chapter so as to secure uniform statewide regulation of buildings:

Chs. ILHR 16-17 Electrical Code  
 Chs. ILHR 20-25 Uniform Dwelling Code  
 Ch. ILHR 26 Inspection Certification  
 Chs. ILHR 50-64 Commercial Building and Heating, Ventilating and Air Conditioning Code  
 Chs. ILHR 66 Multi-Family Code  
 Chs. ILHR 69 Barrier Free Design  
 Ch. ILHR 70 Historic Building Code  
 Chs. ILHR 81-86 Uniform Plumbing Code  
 Chs. IND 160-164 Existing Building Code

14.08 Scope of Uniform Dwelling Code Expanded

For the purposes of this code, the Wisconsin Uniform Dwelling Code are the standards for construction of the following:

- 1) Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- 2) Detached garages greater than 200 sq.ft. serving one and two family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) ILHR 22 shall not apply.
- 3) Other detached accessory buildings. Concrete slabs, frost free footings, etc. are not required, but if they are installed they shall follow (2) above and/or ILHR 21.

14.09 Building-HVAC-Electrical-Plumbing 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 S. ILHR 26.06, Wisconsin Adm. Code.

2) Subordinates

The Building Inspector may appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in ch. ILHR 26 and ILHR 17, Wisconsin Adm. Code, by the Department of Industry, Labor and Human Relations.

3) Duties

The Inspector shall administer and enforce all provisions of this ordinance.

4) Powers

The Inspector or an authorized certified agent 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. 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.

5) Inspections

The following inspections shall be requested 48 hours in advance by the applicant/contractor or property owner as applicable.

- Footing/Foundation
- Rough Carpentry, HVAC, Electric and Plumbing
- DRAINTILE/BASEMENT FLOOR
- Underfloor Plumbing/Electric Service
- Insulation
- Final Carpentry, HVAC, Electric & Plumbing
- Erosion Control

Failure to request any inspection will be the responsibility of the contractor and/or property owner.

6) Records

The Inspector shall perform all administrative tasks required by the Department of Industry, Labor and Human Relations under all codes covered in 14.05. In addition,

the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

#### 14.10 Submission of Plans

Two sets of building plans shall be submitted to the Inspector for any work which expands the size of a 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.

#### 14.11 Issuance of Permit

The Inspector shall issue the requested permit after all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a location visible from the street. Permits are valid for two years.

- 1) Culvert Sizing: Prior to the issuance of a building permit for a new building or structure on any vacant parcel of land and prior to commencement of construction, the size and location of the culvert shall be determined by the Town Engineer and if called for, a culvert shall be installed and covered by the owner or his authorized agent.

#### 14.12 Occupancy Bond Required

- 1) Deposit Required: No building permit shall be issued by the Building Inspector for construction of a building or construction of an addition to or remodeling of an existing building on any land until a deposit in the amount of \$1,000.00 has been paid by the applicant for such building permit. The deposit shall be paid to the Building Inspector at the time an application is made for issuance of the building permit. The Building Inspector shall promptly turn the deposit over to the Town Treasurer.
- 2) Deposit Waived. The Building Inspector may, at their sole discretion, reduce the bond if the Building Inspector is satisfied that it is unlikely that there will be damage done to the Town roads or to the road ditch adjacent to the property as a result of

construction activities, and that the grading and landscaping of the premises will be completed, construction debris removed, all applicable Town ordinances complied with, and occupancy granted, as well as it is unlikely that the building will be occupied prior to the occupancy permit being granted.

- 3) Deposit Returned: The sums deposited shall be retained by the Town Treasurer until such time as the Town Treasurer receives written notice from the Building Inspector to refund some or all of the money deposited. The Building Inspector shall not authorize any refund of the money deposited until after grading and landscaping of the premises has been completed, construction debris removed, all applicable Town ordinances have been complied with and occupancy has been granted. Landscaping shall include vegetation of the front yard, perimeter of home and ditch. Front yard vegetation is only required if the topography is such that erosion is a concern as determined by the Town's Building Inspection Department.

In the event damage is done to Town roads or to the road ditch adjacent to the property as a result of construction activities, the deposit shall be used to pay any costs incurred by the Town to repair such damage. In the event the deposit is insufficient to cover all costs incurred by the Town, the property owner shall be liable to the Town for payment of any excess costs and no occupancy permit shall be issued for the property until such costs are paid. The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, or alternatively, the entire deposit in the event no such damage has occurred, shall be returned to the property owner by the Treasurer after receipt of written notice from the Building Inspector as noted above.

In the event a building is occupied prior to the owner receiving written consent for occupancy from the Building Inspector, the Building Inspector may instruct the Town Treasurer that some or all of the money deposited, in the Building Inspector's sole discretion, shall be forfeited to the Town of Ottawa. Upon forfeiture, the amount forfeited shall be owned by the Town of Ottawa without claim from the person making the deposit or from any other person. Said forfeiture shall be in addition to, and shall not prevent the Town from pursuing, any other claim, cause of action, penalty, or other remedy the Town may have for occupancy without the Building Inspector's written consent.

- 4) Time to Pay: The Building Inspector shall give each property owner billed for payment of any access costs a period of time not to exceed thirty (30) days to pay and, thereafter, if that charge remains unpaid, the Town Clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.
  
- 5) Appeal: Any person who wishes to dispute the amount of refund may contact the Town Clerk and request to appear before the Town Board at the upcoming regular Town Board meeting and may, at that time, present the matter to the Town Board for resolution. Appeal from the decision of the Town Board shall be by writ of certiorari to the Waukesha County Circuit Court.

14.13 Razing

1) Demolition Permit Required

All persons who demolish or cause to be demolished any structure or part of a structure larger than 400 sq. ft. within the municipality shall apply for and obtain a demolition permit from the building inspector prior to undertaking any steps to demolish the structure.

2) Application

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

- a) The name and address of the owner of the building on date of application and, if different, on date of demolition;
- b) The name, address and telephone number of the contractor(s) performing the demolition work;
- c) The date upon which demolition is to commence;
- d) The date by which demolition shall be complete;
- e) A list of all hazardous waste and hazardous and toxic substances (as defined by Sec. NR 181.12 and NR 158.03(4), Wis. Admin. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Sec. 140.04(1)(a), Wis. Stats), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
- f) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
- g) A description of the method of demolition to be used; and;
- h) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
- i) Along with the application for permit for demolition, 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.

3) Demolition

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

4) Clearing and Leveling The Site

a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the building inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.

b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The building inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the building inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before filling any excavation.

It shall be unlawful to fill any such excavation without inspection and approval of the building inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the building inspector to conduct an inspection within the 72 hours after written notice; the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the municipality provided that a written copy of the opinion is delivered to the Clerk at least 48 hours before filling of the excavation commences.

5) 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. The permit holder shall give the building inspector 72 hours written notice prior to any removal, transportation

or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

14.14 Moving Buildings

1) General

No person shall move any building or structure upon any public right-of-way within the Town unless that person first obtains a building moving permit from the Town Building Inspector. Every permit issued by the Building Inspector for the moving of a building shall designate the route over which the building will be moved, the conditions to be complied with and the time limit within which said moving operations shall be completed.

2) Permit Application

Any person applying for a building moving permit shall provide the following:

- a) Route of travel through Town
- b) Location of any overhead wires or other utilities which will have to be moved or relocated to accommodate the move.
- c) Name, address and telephone number of owner of building and, if different, owner of lot to which building is being moved.
- d) Name, address and telephone number of company performing move together with at least two references from prior moves.
- e) Exterior elevations of the building and accurate photographs of all sides and views of the same.
- f) In the event that it is proposed to alter the exterior of the building, plans and specifications of such proposed alterations.
- g) Accurate photographs and site plan of site at which the building is to be located.
- h) The appropriate application fee.
- i) Proof of public liability insurance covering injury to one person in the sum of not less than \$500,000 and for one accident, aggregate not less than 1,000,000, together with property damage insurance in the sum of not less than \$500,000, naming the Town of Ottawa as additional insured.

j) The requirements of subsections (f) and (g) above shall not be required in the event that the building is not to be located within the Town of Ottawa.

3) Cash Deposit

Upon receipt of the permit application, the Town Engineer and or the Highway Commission shall review the proposed route over which the building will be moved and the conditions of the roads on that route. If the building is to be located upon a site within the Town, The Building Inspector shall also inspect the building at the location from which it is to be moved in order to determine whether the building is in a sound and stable condition and of such construction that it will meet the requirements of the Town Building Code, Town Zoning Code and all other applicable codes in all respects. The Building Inspector shall also review the plans for improvements and remodeling of the building, if any. The Building Inspector shall then provide his findings in a written report to the Town Plan Commission, including a recommendation from the Town Engineer as to an appropriate cash deposit amount to cover potential damage to Town highways, as well as his findings, in the event the building is to be located within the Town of Ottawa, regarding the condition of the building and its conformity or potential conformity to Town codes.

4) Plan Commission Review

a) Upon receiving a report from the Building Inspector, the Plan Commission shall review said report and, if necessary, review the route over which the building will be moved. The Plan Commission shall then set an appropriate cash deposit, which shall not be less than \$5,000. Said cash deposit shall be held to secure payment of any costs arising out of any damage to Town highways or other Town property. Said cash deposit shall also secure payment of any costs or other expenses incurred by the Town in connection with any claims for damages to any persons or properties, and the payment of any judgment, together with the costs or expenses incurred by the Town in connection therewith, arising out of the moving of the building for which the permit is issued. The applicant shall also provide the Town with an indemnification agreement, indemnifying the Town from any claims for damages arising out of the moving of the building in question.

b) If the building in question is to be moved and located on a site within the Town of Ottawa, the Plan Commission shall also review the plans, photographs and other documents regarding the building together with the Building Inspector's report regarding the same. The Plan Commission shall then determine

whether the exterior architectural character and functional plans of the building to be moved, including alterations of any kind, will be so at variance with either the exterior architectural character and functional plans of the buildings already constructed or in the course of construction in the immediate area or in the character of the applicable district established by the Zoning Ordinance of the Town so as to cause a substantial depreciation of the property values of the neighborhood within said applicable district. No permit shall be issued unless the Plan Commission makes a finding, by at least a majority vote, that the building will not be at variance with the neighborhood as noted above.

c) If the building is to be located upon a site within the Town of Ottawa, the Plan Commission shall also set a separate cash deposit, in an amount not less than \$5,000, and in addition to the cash deposit noted in subsection 4) a) above, to secure and insure that the building shall actually be located upon the site and all exterior alterations completed in conformance with the plans, photographs and specifications provided by the applicant. This cash deposit shall be in addition to any applicable ordinances of the Town.

d) Upon the written request of the Building Inspector, the applicant or any interested party, the Plan Commission shall conduct a public hearing on the moving permit request. Said hearing may be adjourned for a reasonable length of time.

5) Issuance of Permit

Upon a favorable finding of the Plan Commission, and upon payment of all cash deposit amounts set by the Plan Commission, the Building Inspector shall issue a building moving permit. All subsequent moving of the building shall be done pursuant to the terms of the permit and terms of this code.

6) Continuous Movement

The movement of a building pursuant to permit shall be a continuous operation during all hours of the day, and day by day, until such movement is fully completed. All operations shall be performed with the least possible obstruction to thoroughfares. No buildings 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.

7) 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 Town Building Inspector who shall thereupon, in the company of the Town Highway Commissioner, inspect the streets and highways over which said building has been moved and ascertain their condition. If the movement of the building has caused any damage to any Town street or highway, the person to whom the permit was issued shall forthwith place them in as good a repair as they were before the permit was granted. On the failure of the permittee to do so within ten (10) days after notification from the Town, the Town shall repair the damage done and deduct the costs of any repair from the cash deposit provided under subsection 4) a) above.

#### 14.15 Occupancy

- (1) **Occupancy Definition.** As to new construction, occupancy shall mean any one or more of the following activities: residing in the building or the attached garage; storing furniture in the building or the attached garage; storing or placing household or personal items in the building or the attached garage; or placing or storing anything in the building or attached garage other than building materials or building equipment that are related to the construction for which the building permit was issued. As to construction of an addition to or remodeling of an existing building, occupancy shall mean any one or more of the following activities: residing in that portion of the building or the attached garage that is being added on to or remodeled; storing furniture in that portion of the building or the attached garage that is being added on to or remodeled; storing or placing household or personal items in that portion of the building or the attached garage that is being added on to or remodeled; or placing or storing anything in that portion of the building or attached garage that is being added on to or remodeled other than building materials or building equipment that are related to the construction for which the building permit was issued.
- (2) **Occupancy Permit Required.** If no non-compliances are found by the Building Inspector, then the Inspector shall issue an occupancy permit. Occupancy shall not be taken until an occupancy permit is issued.

#### 14.16 Outhouses or Privies

No outside toilets shall hereafter be erected within the Town. Portable toilets shall be allowed during construction only and for special events as approved by the Town Board. Portable toilets shall be removed from construction sites when permanent toilets are functional.

#### 14.17 Exterior Finish Required

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable.

#### 14.18 Unsafe Buildings

Whenever the Building Inspector determines that any building or structure is so old, dilapidated or out of repair as to be dangerous, unsanitary or otherwise unfit for habitation, occupancy or use so that it would be unreasonable to repair the same, he shall order the owner to raze and remove all or part thereof specified by the Building Inspector. If such unit structure can be made safe by repairs, it may be so put at the owner's option, whether to repair and make safe and sanitary or to raze and remove. Such orders and proceedings shall be as provided in Section 66.05(5), Wis. Stats.

#### 14.19 Maintenance of Yards

Yards shall be kept free of weeds, construction debris, trash, open storage or non-licensed or disabled vehicles.

#### 14.20 Fees

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Town Board. If work commences prior to permit issuances, double fees may be charged by the Building Inspector.

#### 14.21 Liability

This chapter shall not be construed as assuming any liability on the part of the Town, the Building Inspector or any other officers or employees of the Town for damages or injuries to anyone or for any property harmed or destroyed by reason of any defect in any building or structure directed under Town permit.

#### 14.22 Uniform Address System

- (1) Adopted. The uniform address system of the Town shall be based on and become a part of the uniform address system for Waukesha County, as recommended by the County Board on March 12, 1957, and shall conform to the uniform system of numbering recommended in the Report of the Special Committee of Waukesha County Board appointed to study developing a uniform address system. All provisions relating to the establishment of a uniform address system for the County are hereby adopted and approved and such provisions are applicable to the Town.
- (2) Established. There is hereby established a uniform system of numbering parcels in the Town, and all existing parcels and all parcels which are hereafter created shall be numbered in accordance with the provisions of the uniform address system of the Town.
- (3) Assignment of Addresses. Within thirty (30) days after the final approval of any new subdivision or other division of land, the Building Inspector shall assign an address to each parcel. In addition, whenever it appears to that an existing parcel in the Town is not numbered in accordance with this section, the Building Inspector shall assign a new address that complies with this section to such existing parcel. Records shall be kept of the assignments and a copy shall be provided to the Town Clerk, Town Treasurer, Town Assessor, Fire Department and owner.
- (4) Plat Book. The Town Clerk shall maintain a plat book and/or map showing the proper addresses of all parcels in the Town.

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- (5) Numbers to be Procured. Within thirty (30) days from the date of assignment, the parcel owner shall obtain the uniform reflectorized numbers assigned to that address, a mounting post and installation brackets from the Building Inspector. A fee shall be charged to the parcel owner in an amount to be approved by the Town Board. The numbers shall be installed within thirty (30) days from the date of assignment.
- (6) Numbers Must be Placed Conspicuously. All parcel owners shall install or cause to be installed in a conspicuous place upon the parcel the numbers assigned under the uniform address system provided for by this section. Address numbers shall be conspicuously placed within 50 feet of the center line of the road, at least 4 feet above the grade on which the address number is located, and within 6 feet of the driveway. Address numbers must be visible from the traveled portion of the road and must be plainly seen from the road by vehicles traveling from both directions.
- (7) Numbers to be Uniform. The numbers that are installed pursuant to this section must be identical to the uniform reflectorized numbers that have been approved by the Town Board and provided by the Town Building Inspector as required by this section. New or replacement uniform reflectorized numbers may be obtained from the Building Inspector upon payment of a fee in an amount to be approved by the Town Board.
- (8) Initial Installation. During the calendar year 2000, the Town Board has contracted to update and correct the address system throughout the Town. This initial installation process will include: the assignment, or re-assignment, of address numbers to all parcels of property in the Town; distribution of the required reflectorized numbers, mounting posts and installation brackets to each parcel; installation of the numbers on each parcel in the required location; and no fee shall be charged to the parcel owners for this initial installation. To the extent that the foregoing provisions of this Section 14.22 are inconsistent with the initial installation process described herein, the initial installation process is exempt from the foregoing requirements of Section 14.22. Following the initial installation process, the exemption terminates the Uniform Address System shall thereafter be subject to all requirements of this Section 14.22.

## 14.23

## Penalty

- (1) General Penalty. Except as otherwise provided, any person who shall violate any of the provisions of this chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - (a) First Offense. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500 together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
  - (b) Second Offense. Any person found guilty of violating any provision of this chapter who had previously been convicted of a violation of the same provision within one year, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.
- (2) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.

14.24 Stop Work Order

The Inspector may issue a stop work order for a project to prevent further non-complying work.

14.25 Variance

The Town Board shall hear requests for variances from the building code where they have authority. The Town Board shall approve, conditionally approve, or deny the variance depending if the proposal is equal to or greater than the code requires.