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### Memorandum

June 5, 2015

To: Ordinances and Licenses Committee  
From: Brian Running  
Re: Building Permit Ordinances

The Director of Community Development, Jennifer Andrews, requested that this office draft proposed amendments to Mun. Code Chapter 16 to remove building permit fees from the ordinance and instead provide for them to be maintained by the department in a schedule of fees. This is the same concept recently applied to impact fees and wastewater service charges, and it removes the necessity to change an ordinance with each adjustment of fees.

As we reviewed Chapter 16, we noticed that there are a lot of subsections that should be separate ordinances. For example, §16.07, entitled "Fees," has the following subsections, which don't have to do with initial building permit fees:

- A requirement that police report un-permitted construction work to the building inspector.
- A requirement for inspection of phases of work.
- A requirement for re-inspection fees.

These things are not easily found in our code, because most people would not think to look for them under the heading of "fees." Therefore, we propose that in addition to placing the fees in a separate schedule, the various topics be given their own separate code sections and appropriate headings.

Our proposal is to repeal Mun. Code §16.03 and §16.07 completely, and to replace them with the following new sections, and a Schedule of Fees:



### 16.03 Permits.

- (1) **Permits Required.** Permits shall be obtained from the Department of Community Development, and all applicable fees shall be paid, before commencement of any of the following:

  - (a) Construction, improvement, or alteration of buildings or structures, including sheds and decks.
  - (b) Demolition, razing, or wrecking of buildings or structures.
  - (c) Moving of buildings or structures.
  - (d) New or changed commercial occupancy, re-entry into premises that have been declared uninhabitable for performance of work or re-habitation.
  - (e) Installation of awnings, new or recovered.
  - (f) Street or alley occupancy.
  - (g) Any other activities for which a permit fee is shown on the Fee Schedule maintained pursuant to Municipal Code §16.07(1).
- (2) **Permit Application.** Applications for permits shall be made using the forms published by the Department of Community Development, and shall include such other materials as required by the Chief Building Inspector. The application shall be accompanied by three complete sets of plans, specifications, and surveys, and the Chief Building Inspector shall forward one set to the Fire Prevention Bureau for review to verify compliance with fire-safety codes. (Am. #2-05)
- (3) **Permit Issuance.** If the permit application sufficiently demonstrates that (a) the proposed building will comply in every respect with this Chapter, other City ordinances, all laws of the State and lawful orders issued pursuant thereto, in the sole discretion of the Chief Building Inspector; (b) all applicable fees have been paid; and (c) all required approvals from other government agencies have been obtained by the applicant; then the permit requested in the application shall be issued.
- (4) **Permit Expiration and Renewal.** All permits expire 120 days after issuance, and if work performed under the permit has not been completed and received final inspection and approval within that period, all work must cease and a renewal of the permit shall be required. An application for renewal shall be submitted, accompanied by the Renewal Fee required by Municipal Code §16.07(3), within 60 days of the expiration of the original permit. After 60 days, no renewal is allowed, and an application for a new permit must be submitted, accompanied by payment of the full permit fees required by the Fee Schedule under Municipal Code §16.07(1).
- (5) **Permit Suspension or Revocation.** Any permit may be suspended or revoked by the Chief Building Inspector if the permit was issued upon an intentionally-falsified application; was obtained through fraud or deceit; the applicant has willfully refused to correct a violation order; or an inspector is denied access to the premises. No construction shall take place after suspension or revocation of the permit.



- (6) **Alteration of Plans Prohibited.** After the issuance of a building permit, the plans and specifications submitted with the application shall not be altered, except with the written consent of the Chief Building Inspector.
- (7) **Partial Permits.** The Chief Building Inspector, in his or her sole discretion, may issue a permit for a part of the proposed construction before receiving the plans and specifications of the entire building. The issuance of a partial permit shall not bind the Chief Building Inspector to the issuance of any further permits.
- (8) **Error Correction.** The issuance of a permit shall not estop the subsequent requirement of correction of errors or code violations contained in the plans submitted with the application.

#### 16.031 Miscellaneous Permit Application Requirements.

- (1) **Survey Requirements.** The survey submitted with the application shall be prepared and certified by a surveyor registered by the State, and shall be certified within one year of the date of the application. The certified survey shall also show the following:
  - (a) Legal description.
  - (b) Location and dimensions of all existing and proposed buildings on the lot.
  - (c) Dimensions of the lot and setbacks of all buildings on the lot.
  - (d) Proposed first-floor grade of proposed structure to City datum.
  - (e) Proposed or existing sidewalk grades.
  - (f) Grade of lot and of road adjacent to lot.
  - (g) Grade and setback of adjacent buildings. If adjacent lot is vacant, elevation of nearest buildings on same side of road.
  - (h) Type of monuments at each corner of lot.
  - (i) Watercourses or existing drainage ditches.
  - (j) Seal and signature of surveyor.
- (2) **Plan and Specification Requirements.** All plans shall be drawn to a scale not less than  $\frac{1}{4}$ " per foot and shall show the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. Drawings that do not show necessary detail will be rejected. Plans for residential construction shall consist of:
  - (a) All elevations.
  - (b) All floor plans.
  - (c) Complete construction details.
  - (d) Fireplace details ( $\frac{3}{4}$ " per foot) showing cross-section of fireplace and flues.



- (e) Cross-sections.
  - (f) Plans of garage when garage is to be built immediately or location of garage when it to be built at a later date.
  - (g) All plans shall remain on file in the office of the Building Inspector until at least 6 months after the completion of the building, after which time they may be returned to the applicant, kept for public record, or destroyed.
- (3) **Engineer or Architect Supervision.** All plans and specifications for the construction of any building or structure, other than one- and two-family residences, containing more than 50,000 cu. ft. total volume, shall bear the seal of the architect or engineer responsible for preparing them. The plans shall also be stamped to show approval as required by the State Department of Safety and Professional Services. The building or structure shall be constructed under the supervision of the architect or engineer, who shall be responsible for its construction in accordance with the approved plans. No permits shall be issued unless the construction will be under the supervision of an architect or engineer as required by the Wisconsin Statutes. (Am. #54-03) (Am. #1-13)
- (4) **Grading.** The plans shall show the present and proposed grades of the lot and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the proposed buildings and grades will unreasonably obstruct the natural flow of water from the surface of adjoining properties, unless adequate alternative provisions are made, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
- (5) **Storm Water Drains.** All existing and proposed buildings shall drain water from the roof with gutters and downspouts so that the building and adjacent properties will not be damaged. Storm water and surface water drains shall not be connected to the sanitary sewer system.

#### 16.07 Fees.

- (1) **Fee Schedule.** The City Department of Community Development shall publish and maintain a Fee Schedule showing all fees imposed with respect to permits required in this Chapter, which shall be amended from time to time by the Department.
- (2) **Standard Permit Fees.** All applications for permits issued pursuant to Municipal Code §16.03 shall be accompanied by payment to the City of all applicable fees, as shown in the Fee Schedule, and no permits may be issued before payment of the fees. Where fees are calculated on the basis of the value of work to be done or materials used, the value shall be determined by the Chief Building Inspector using current costs, or as otherwise provided in the Municipal Code or state statutes. Cost calculations shall include all improvements except heating, air conditioning, electrical and plumbing. (Am. #53-96)(Am. #42-03)(Am. #16-06)
- (3) **Renewal Fee.** All applications for permit renewal pursuant to Municipal Code §16.03(2) shall be accompanied by payment to the City of a Renewal Fee equal to one-half of the fee paid with the application for the permit being renewed. If the renewal application includes any materials in addition to those submitted with the original application, then in



addition to the Renewal Fee, a Plan Examination fee or other applicable fees shown in the Fee Schedule may be required with respect to the additional materials.

- (4) **Fee When Work Already Commenced.** Applications for permits for work that has commenced without the required permits shall be accompanied by payment to the City in the amount of double the applicable fees shown in the Fee Schedule. This may be waived for good cause shown, in the sole discretion of the Chief Building Inspector.
- (5) **Re-Inspection Fees.**
  - (a) **Permit Re-Inspections.** Re-inspections of corrections required as a result of inspections of work for which permits were obtained pursuant to this Chapter shall require the payment of the Permit Re-Inspection Fee shown in the Fee Schedule.
  - (b) **Re-Inspections after Orders to Correct Conditions.** Re-inspections of corrections required after an order to correct conditions has been issued by the Chief Building Inspector for violations of this Chapter shall require the payment of the Correction Re-Inspection Fees shown in the Fee Schedule.
  - (c) **Re-Inspections after Judgment of Code Violation.** If an order to correct violations of this Chapter 16 has been issued by a court, and the subsequent inspection to confirm that corrections have been made reveals that the violations have not been corrected, then the amount of the Correction Re-Inspection Fees shown in the Fee Schedule shall be doubled.
  - (d) **Special Charge Assessment.** Re-inspection fees charged pursuant to this subsection (5) shall be charged against the real estate on which the re-inspections were made, shall be a lien upon the real estate, and shall be assessed and collected as a special charge. (Cr. #2-09)

#### **16.071 Inspection, Approval of Work, Occupancy Permit.**

- (1) **Notice of Completion of Work, Timing of Inspections.** The permit applicant shall notify the Building Inspection Division when work for which permits have been obtained is ready for code-compliance inspection. The applicant shall give notice of the completion of construction phases as required by the permit, and work shall not continue until inspection and approval of the completed phase. Notice may be oral or in writing. The Building Inspection Division shall then perform the requested inspection within two business days of the notice, except for final inspections. Final inspections shall be made promptly after notice from the applicant that work is complete.
- (2) **No Occupancy before Approval.** No Occupancy Permit for premises shall be issued until final inspection and approval of work for which permits was obtained pursuant to this Chapter, and buildings and structures for which permits were obtained pursuant to this Chapter may not be occupied or used before an Occupancy Permit is issued.
- (3) **Issuance of Occupancy Permit.** An Occupancy Permit shall be issued promptly to the applicant by the Chief Building Inspector when the following conditions are met:



- (a) **Code Compliance.** The Chief Building Inspector finding, after final inspection, that the work for which permits were issued pursuant to this Chapter meets the requirements of all applicable ordinances, codes, statutes and regulations.
- (b) **Permit Compliance.** The Chief Building Inspector finding, after final inspection, that the work for which permits were issued pursuant to this Chapter meets any special requirements contained in the permits.
- (c) **Contract Compliance.** The Chief Building Inspector finding, after final inspection, that the work for which permits were issued pursuant to this Chapter satisfies all terms and conditions of any developer's agreement, conditions of approval, or other contract or agreement entered into pursuant to City Plan Commission approval of the plans for work for which the applicant obtained permits pursuant to this Chapter.

#### **16.073 Police to Report Violations.**

The Police shall report any work being done without permits required by this Chapter to the Chief Building Inspector.

