

## ORDINANCE 2026-02

### AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 121 (BUILDING CONSTRUCTION) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

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**Purpose:** The purpose of this chapter is to establish uniform construction standards and inspection procedures for buildings and structures erected and altered within the Village

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The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

**Section 1:** Chapter 121 (Building Construction) of the Municipal Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

#### § 121-1. Purpose.

The purpose of this chapter is to establish uniform construction standards and inspection procedures for buildings and structures erected and altered within the Village.

#### § 121-2. Adoption of codes.

A. The State Uniform Dwelling Code and all referenced codes and amendments thereto are adopted and incorporated into this Code by reference. The following provisions of the Wisconsin Administrative Code, collectively constituting the State Uniform Dwelling Code, are adopted by reference and made part of this chapter as if fully set forth in this chapter:

- Wis. Admin. Code ch. SPS 320, Administration and Enforcement
- Wis. Admin. Code ch. SPS 321, Construction Standards
- Wis. Admin. Code ch. SPS 322, Energy Conservation
- Wis. Admin. Code ch. SPS 323, Heating, Ventilating and Air Conditioning
- Wis. Admin. Code ch. SPS 324, Electrical Standards
- Wis. Admin. Code ch. SPS 325, Plumbing
- Wis. Admin. Code ch. SPS 327, Camping Units
- Wis. Admin. Code ch. SPS 328, Smoke Detectors and Carbon Monoxide Detectors

(1) The following shall apply to all additions and alterations to one- and two-family dwellings where initial construction and/or construction permits were issued before June 1, 1980:

- (a) Chapter SPS 320, § 320.07 (Definitions), and § 320.24 (Adoption of Industry Standards).

(b) Chapter SPS 321.

(c) Chapters SPS 322 (Energy Conservation), SPS 323 (HVAC), SPS 324 (Electrical), and SPS 325 (Plumbing), shall apply to new additions. Alterations to elements governed by the referenced codes in homes built prior to June 1, 1980 shall comply to the fullest extent practicable when walls, floors and ceilings are open and reasonably accessible.

(2) Accessory structures, storage buildings and other structures built in association with one- and two-family dwellings shall also comply with Subsection A (1) with the following exceptions:

(a) Utility storage buildings as defined in Chapter 295, Zoning, may be erected without a foundation if anchored in a manner approved by the Director of Planning and Code Compliance.

(b) Detached garages and storage buildings of frame construction may be built on a continuous floating slab of reinforced concrete not less than four inches in thickness. Reinforcement shall be a minimum of six inches by six inches No. 10x10 welded wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. Anchor bolts 3/8 inch in diameter with nuts and washers attached shall be embedded a minimum of four inches below the finished surface of the slab and no closer than two inches to the bottom of the thickened edge, spaced in compliance with § SPS 321.18. Detached garages and storage buildings built with foundation walls or piers shall have walls or piers as required by § SPS 321.18 of the Wisconsin Administrative Code.

B. The Wisconsin Commercial Building and HVAC Code and all referenced codes and amendments thereto are adopted and incorporated into this code by reference. The following provisions of the Wisconsin Administrative Code, collectively constituting the State Commercial Building Code, are adopted by reference and made part of the chapter as if fully set forth in this chapter:

- Wis. Admin. Code ch. SPS 360, Erosion Control, Sediment Control and Stormwater Management
- Wis. Admin. Code ch. SPS 361, Administrative and Enforcement
- Wis. Admin. Code ch. SPS 362, Buildings and Structures
- Wis. Admin. Code ch. SPS 363, Energy Conservation
- Wis. Admin. Code ch. SPS 364, Heating, Ventilating and Air Conditioning
- Wis. Admin. Code ch. SPS 365, Fuel Gas Appliances
- Wis. Admin. Code ch. SPS 366, Existing Buildings

(1) This section shall also apply to private buildings and structures, such as, but not limited to, private hangars and storage buildings that are not built in association with one- and two-family dwellings.

(2) Agricultural buildings shall comply with the structural design requirements of SPS 362.

C. Chapters SPS 360-366, the Wisconsin Commercial Building and HVAC Code and all referenced codes and amendments thereto are adopted and incorporated into this code by reference.

(1) This section shall also apply to private buildings and structures, such as, but not limited to, private hangars and storage buildings that are not built in association with one- and two-family dwellings.

(2) Agricultural buildings shall comply with the structural design requirements of SPS 362.

D. Chapter SPS 316, the Wisconsin Electric Code and all referenced codes and amendments thereto are adopted and incorporated into this code by reference.

E. Chapters SPS 381-387, the Wisconsin Plumbing Code and all referenced codes and amendments thereto are adopted and incorporated into this code by reference.

(1) In buildings and structures connected to the municipal sanitary sewerage system, where plumbing fixtures exist below road grade, backwater valves shall be installed in the building sanitary drain system as a prevention to keep backwater from flooding the area of the building below road grade.

(2) Sanitary and storm sewers serving private or public property which are removed from service shall be uncovered at the property line adjacent to the utility easement or to the right-of-way in which the sewer connects to a main and sealed against infiltration into the public sewer system. Existing sanitary or storm sewers serving private or public property that are going to be reactivated within one year and meet the plumbing code requirements may be temporarily sealed at any point on the property approved by the Director of Planning and Code Compliance. Sealing of sewers shall be permitted and inspected before covering and/or commencing demolition of any building.

(3) Water services serving private or public property which are removed from service shall be uncovered at the property line adjacent to the utility easement or to the right-of-way in which the water service connects to a main and capped to prevent leakage or contamination of city water supply by backflow or siphonage. Existing water services serving private or public property that are going to be reactivated within one year and meet the plumbing code requirements may be temporarily capped at any point on the property accepted by the Director of Planning and Code Compliance. Capping of water services shall be permitted and inspected before covering and/or commencing demolition of any building.

(4) Building clear water, stormwater and foundation drainage systems shall discharge in accordance with the following:

(a) Shall drain in compliance with any approved stormwater management plan when applicable.

(b) Shall flow to the municipal stormwater system when available.

(c) Shall utilize natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas.

(d) Shall not discharge closer than 20 feet of a property line except when connecting to a municipal stormwater system. Existing building clear water, stormwater and foundation drainage systems not in compliance with this provision on March 19, 2013 shall be brought into compliance with this section upon notice by the Village.

(e) The size, type and installation of all laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Department of Neighborhood Services.

(f) The property owner shall be responsible for any maintenance of facilities covered in this section if drained into a municipal stormwater system. The Village is not responsible for any damage to said facilities when placed in the right-of-way or Village-owned easements or facilities.

F. Chapter SPS 305, §§ 305.30-305.999, the Wisconsin Licenses, Certifications and Registrations Code, and all amendments thereto are adopted and incorporated into this code by reference.

G. Modification of regulations. When there are practical difficulties involved in carrying out provisions of this chapter or of an approved rule, the Director of Planning and Code Compliance may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of this chapter shall be observed and public welfare and safety shall be ensured. The application for modification and the final decision of the Director of Planning and Code Compliance shall be in writing and shall be officially recorded with the permanent application for the permit in the permanent records of the Village property files.

H. Septic and solid waste collection receptacles required. The property owner(s) and/or duly appointed agent(s) representing said owner(s) for any property upon which a new residential dwelling or nonresidential building is to be constructed shall provide temporary on-site septic, i.e., portable toilet, and solid waste containers, e.g., dumpster, for the temporary storage of waste during and subsequent removal of waste after building construction has been completed. Said containers shall be installed prior to commencement of construction, maintained in working condition and capacity throughout the duration of all construction activities, and be removed from the property not later than 10 days after the date the Director of Planning and Code Compliance has completed final inspection.

#### § 121-3. Permits required.

A. Building permit required.

(1) No building or structure or any part thereof shall hereafter be moved, built, enlarged, altered, or demolished within the Village, except as hereinafter provided, unless a permit therefor shall first be obtained by the owner, or his agent, from the Village. All work which affects the occupancy, area, structural strength, fire protection, exits, light, or ventilation of the building, requires a building permit.

(2) Application for a building permit for a structure intended for human occupancy on lands not served by public, municipal sewer shall be approved only if said application is accompanied by a valid holding tank permit or a valid septic tank permit. Validity of holding tank permit or septic tank permit shall be based on state statutes or county ordinances where appropriate.

(3) Application for a building permit for any structure shall require approval of the road offering access to said structure, whether said structure is erected on public roads or private roads.

(4) Exceptions.

(a) No permit shall be required for minor repairs or alterations which in the opinion of the Director of Planning and Code Compliance do not affect the occupancy, area, structural strength, fire protection, exits, light, or ventilation of a building.

**B. HVAC permit required.**

(1) No heating, ventilating, or air-conditioning system, or a part of a system shall hereafter be constructed, installed, erected, altered or unless a permit therefor shall first be obtained by the owner, or his agent, from the Village.

(2) Exceptions.

(a) No permit shall be required for minor repairs or alterations to any heating, ventilating or air-conditioning system which does not, in the opinion of the Director of Planning and Code Compliance, involve any changes in the heating or ventilating of the building.

**C. Electrical permit required.**

(1) No electrical equipment shall be installed, altered, renewed, replaced or connected unless a permit therefor shall first be obtained by the owner, or his agent, from the Village.

(2) Exceptions.

(a) No permit shall be required for low-voltage installations in one- and two-family dwellings.

(b) No permit shall be required for the reconnection of existing power supplies to replacement heating plants, water heaters and other appliances.

(c) No permit shall be required for the repair, removal, disturbance or disconnection of any existing electrical equipment or the renewal or replacement of any existing lighting, switches, sockets, or receptacles.

(d) No permit shall be required for minor repairs or alterations to any electrical distribution system which does not, in the opinion of the Director of Planning and Code Compliance, involve any changes in the electrical distribution of the building.

D. Plumbing permit required.

(1) No person shall perform or permit the performance of any plumbing work, as defined by state statute or regulation adopted by reference as a part of this code, unless a permit therefor shall first be obtained by the owner, or his agent, from the Village.

(2) Exceptions.

(a) No permit shall be required for the repair, removal, disturbance, disconnection or replacement of any existing plumbing fixture or appliance.

(b) Minor repairs as defined in § 145.06(4)(d), Wis. Stats., as may be amended from time to time, shall be exempt from the permit requirement.

E. Building permit fee. The building permit fee shall be paid to the Village Clerk and shall be in an amount as established by the Village Board by resolution, a schedule of which fees shall be published by the Village Board and available at the office of the Village Clerk.

§ 121-4. Application for permits.

Application for a permit shall be made in writing to the Village providing all information necessary to reasonably determine the proposed project complies with all applicable codes.

§ 121-5. Plans to be submitted.

A. With such permit application, there shall be submitted two complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining property lines, buildings and rights-of-way. All plans shall be drawn using commonly accepted architectural or engineering scales. Drawings that do not show all necessary details to enable the Village to reasonably inspect the same shall be rejected.

B. Exception. If, in the opinion of the Director of Planning and Code Compliance, the character of the work is sufficiently described in the application, the filing of plans may be waived.

§ 121-6. Alteration of plans.

After being approved, the plans and specifications shall not be altered in any respect which involves any ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Director of Planning and Code Compliance.

§ 121-7. Posting permit on construction site required.

With every building permit issued, the Director of Planning and Code Compliance shall issue to the applicant a placard signifying the required permit has been secured. It shall be the duty of such

applicant to place such card in a conspicuous place on the premises. The placard shall be unobstructed from public view and shall be located not more than 15 feet above grade. It shall also be the duty of the applicant to take appropriate measures to prevent the card from being destroyed by the weather.

§ 121-8. Lapse of permit upon failure to commence work.

A. Permits shall have lapsed and be void unless building operations are commenced within six months from the date thereof.

B. Permits for building shall lapse and be void from and after 12 months from the date of issuance, except for projects where the applicant advises the Director of Planning and Code Compliance the permitted project will exceed 12 months in duration. In such case, the applicant shall advise the Director of Planning and Code Compliance of the estimated completion date, which then will become the expiration date.

§ 121-9. Revocation of permit.

If the Director of Planning and Code Compliance shall find at any time that the ordinance, laws, orders, plans and specifications are not being complied with, he shall revoke the permit by written notice posted at the site of the work or mailed to the permit applicant. When any such permit is revoked it shall be unlawful to do any further work upon such building until the permit is reissued, excepting such work as the Director of Planning and Code Compliance shall order to be done as a condition precedent to the reissuance of the permit.

§ 121-10. Required inspections.

A. The permit applicant or an authorized representative shall, in writing or orally, request inspections of the following applicable phases of any building or structure:

- (1) Footings. After the placement of forms, shoring, and reinforcement, where required, and prior to the placement of concrete.
- (2) Foundation backfill. After the placement, installation of drain tiles, stone covering drain tiles, waterproofing, exterior insulation if required, prior to backfilling.
- (3) Interior drain tiles, stone and vapor barrier. After placement and prior to covering.
- (4) Electric service installations. After installation and prior to energizing.
- (5) Buried installations. After the placement of plumbing, HVAC and electric installations (including, but not limited to, water service laterals, storm sewer laterals, sanitary sewer laterals, underground plumbing, underground electrical distribution, and underground HVAC ducting) and prior to covering or enclosing in any manner.
- (6) Rough inspection of general construction including framing, electric, HVAC and plumbing after completion of this phase and prior to installing insulation.

(7) Insulation and vapor barrier. After placement and prior to covering.

(8) Final inspection after completion of all code requirements and prior to occupancy to determine compliance with all requirements of this code and terms of the permit.

B. Notice of compliance or noncompliance shall be posted at the site. Upon finding noncompliance, the Director of Planning and Code Compliance shall notify the applicant and/or the owner in writing, of the violations to be corrected. No work shall be concealed until approved by the Director of Planning and Code Compliance. When compliance with any noted violations has been provided, the owner/applicant/agent shall provide written documentation that the noted violations have been corrected in compliance with the applicable code sections.

C. Upon reinspection of a violation, if the inspector finds that the violations have not been corrected, the Director of Planning and Code Compliance may require the owner, contractor or agent responsible for the violations pay a reinspection fee.

D. When the building or structure is ready for inspection, the contractor, owner or agent shall make such arrangements as necessary to enable the inspector to inspect all parts of the building or structure.

E. Construction may proceed if the requested inspection has not taken place by the end of the second business day following the day of notification or as otherwise agreed between the applicant and the Director of Planning and Code Compliance.

§ 121-11. Disposal of debris and damages to curbs at construction sites.

A. Preamble. The Village wishes to protect its streets, curbs, sewers and sidewalks from damage due to construction. We wish to protect pedestrians and motor vehicle traffic from construction debris during and after construction projects. This section is written to require proper construction practices and to assure that the above-mentioned goals are met.

B. Mud, dust, brush, stumps, etc. No general contractor, building permit holder or owner shall cause, maintain or permit the littering of any public or private property or streets with mud, dust, brush, stumps, tree limbs, construction, piles of dirt after building landscaping is completed or other types of debris, nor shall such person cause damage to any public street, sidewalk, curb, gutter, sewerage system or property.

C. Daily cleanup. A general contractor, building permit holder or owner must clean up by 8:00 p.m. each day or at the end of the workday on that site, whichever occurs earlier, and the site must be kept clean as much as feasible during the day.

D. Debris in street or on sidewalk. Debris in the street or on the sidewalk that would injure a motor vehicle, pedestrian or cyclist must be removed immediately.

E. Disposal of debris at construction sites.

(1) No general contractor, subcontractor, owner, permit holder, municipality or municipal subcontractor shall allow any person to leave litter or building debris at a construction site which creates a nuisance. During the course of any construction which requires a permit within the Village, the contractor shall be responsible for having a dumpster or other suitable method to properly contain any construction related debris on the site at all times while construction is conducted on the site.

(2) If a general contractor, permit holder or owner does create a nuisance, the Director of Planning and Code Compliance shall revoke the building permit until they have complied with this section.

F. Damaging curbs or sidewalks. It is the responsibility of the general contractor, permit holder or owner to inspect all sidewalks and curbs prior to commencement of work. Any such damage must be reported to the Director of Planning and Code Compliance or his designated agent prior to commencement of work. Any damage not reported in that time period will be attributed to the general contractor, building permit holder or owner. No general contractor, building permit holder or owner shall allow any person to run a vehicle over a curb in the Village, unless that curb shall have been properly blocked or ramped to ensure no damage to the curb. Properly blocked means adequately covered behind the curb with crushed stone to a sufficient depth to protect the back of the curb and a four-by-four planking in front of the curb. All tires crossing the curb shall be supported in this manner. This requirement may be waived by the Director of Planning and Code Compliance for good cause.

G. Violations.

(1) If any general contractor, building permit holder or owner is convicted of three or more violations of this section within a six-month period, the Director of Planning and Code Compliance shall have authority to withhold building permits from such general contractor, building permit holder or owner for a period of six months.

(2) If any general contractor, building permit holder or owner shall fail to pay any costs of any curb repair for damage to curbs caused by such person, the Village shall have the right to withhold the issuance of building permits to that general contractor, building permit holder or owner until such time as all bills are paid.

(3) In addition to any other penalties imposed by this chapter, any general contractor, building permit holder or owner convicted of a violation of this section shall be subject to a forfeiture of not less than \$100 plus costs for a first offense and not less than \$500 plus costs for the second offense.

(4) In addition to the penalty provided in § 1-3 of this Code, the Village may clean up or contract to clean up and charge the cost to the general contractor, building permit holder or owner who is found in violation of this section. If the bills are not paid for, the occupancy permit will be withheld.

H. Village compliance. The Village will comply with this section, but no penalties shall apply to the Village.

I. Liability. The general contractor, permit holder and owner are jointly and severally liable for violations of this section. It is the Village's intention to prosecute violations in the following order:

(1) First: general contractor.

(2) Second: permit holder.

(3) Third: owner.

§ 121-12. Appeals from rulings of Director of Planning and Code Compliance.

Any person feeling aggrieved by any order or ruling of the Director of Planning and Code Compliance or designee may appeal from such order or ruling to the Board of Appeals as provided in Subsection A of this section. An order or ruling written for one- and two-family homes built on or after June 1, 1980, is not appealable under this chapter. An order or ruling written under Chapters SPS 360–366 is not appealable under this chapter.

A. Any person feeling aggrieved by any order or ruling of the Director of Planning and Code Compliance or designee may appeal from such order or ruling to the Board of Appeals within 15 calendar days after written notice of such order or ruling. The date of written notice or ruling shall be the date of mailing of the official notice or the date of personal service of the official notice. The notice of appeal shall be in writing and specify the reasons for the appeal. The Board of Appeals shall act upon the appeal within 60 days of the filing of the notice of appeal.

B. Application for appeal may be made when it is claimed that the true intent of the codes or the rules legally adopted thereunder has been incorrectly interpreted; the provisions of the codes do not apply; or an equally good or better form of construction or repair can be used. All appeals shall be accompanied by supporting data.

C. An appeal shall stay all enforcement activities and all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals that by reason of the facts stated in the certificate a stay would in the opinion of the officer, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, on notice to the officer from whom the appeal is taken, and upon due cause shown.

§ 121-13. Violations and penalties.

Any violation of any of the provisions of this chapter shall subject the violator to the penalties provided in § 1-3. Each day a violation continues, unless otherwise specified in this chapter, shall constitute a separate offense. Where the violator has been issued a permit or is a licensee under the provisions of this chapter, such permit or license shall be subject to revocation in the discretion of the court.

**Section 2:** Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

**Section 3.** This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved on this 3<sup>rd</sup> day of March, 2026.

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Richard Heidel, Village President

Attest:

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Aaron Kramer, Village Administrator

**CERTIFICATION**

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on March 3<sup>rd</sup> 2026.

(Seal)

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Lisa Vanden Heuvel, Village Clerk