

## VILLAGE OF EDEN BUILDING AND MECHANICAL CODE

The Village Board of the Village of Eden, Wisconsin, does hereby ordain as follows:

The 1- and 2- Family Dwelling Building Code for the Village of Eden, Wisconsin, is hereby repealed.

### 1. **AUTHORITY**

These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76 and 101.761, of the Wisconsin Statutes.

### 2. **PURPOSE**

The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

### 3. **DEFINITIONS**

- 1) **Building**. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
- 2) **Building Inspector**. The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.
- 3) **Construction**. Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
- 4) **Contractor**. Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.
- 5) **Demolition**. The activity of completely or partially destroying a previously erected or constructed building.
- 6) **Electrical**. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work

which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

- 7) Garage. A building which is primarily intended for storage or parked automobiles or equipment.
- 8) HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
- 9) Occupancy. The act of utilizing a building for habitation by human beings. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.
- 10) Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
- 11) Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
- 12) Stop work order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

#### **4. SCOPE**

This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

#### **5. PERMIT REQUIRED**

- 1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

- 2) The construction which shall require a building permit includes, but is not limited to:
  - a) New buildings including agricultural buildings.
  - b) Additions that increase the physical dimensions of a building including decks and pools.
  - c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
  - d) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit.
  - e) Alteration of plumbing, venting, electrical or gas supply systems.
  - f) Any electrical wiring of new construction or remodeling.
  - g) Any HVAC for new construction or remodeling.
  - h) Any plumbing for new construction or remodeling.
  
- 3) The following construction activities shall not require a building permit:
  - a) Re-siding, re-roofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.
  - b) Normal repairs of HVAC, plumbing and electrical equipment or systems.

**6. ADOPTION OF CODES**

- 1) The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Comm 5	Credentials
Comm 16	Electrical Code
Comm 20-25	Uniform Dwelling Code
Comm 61-65	Commercial Building Code
Comm 70	Historic Building Code
Comm 75-79	Existing Building Code
Comm 81-87	Uniform Plumbing Code

- 2) Any local building codes or requirements other than those contained herein are repealed.
- 3) All new buildings shall be set at an elevation established by the Village Engineer with appropriate final grades of the building site to comply with the drainage plan adopted for said site. The elevation for the top of the basement foundation wall shall be not less than 18 inches nor more than 24 inches above the top of the curb line, or proposed curb line if not yet installed, located adjacent to the center of the garage, unless a variance or other alteration is approved by the Village Engineer because of unusual elevations/topography of the lot or split level floor plans. A property owner aggrieved by the Village Engineer's decision may apply for a variance or other alteration to the Village Board.

## **7. SCOPE OF UNIFORM DWELLING CODE EXPANDED**

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as 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) With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow (2) above and/or ILHR 21.

## 8. **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 ILHR 26.06, Wisconsin Adm. Code.
- 2) Subordinates. The Building Inspector may employ, assign or 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.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this Ordinance.
- 4) Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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. In the event that the inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.122, Stats.
- 5) Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
  - a) Footing/Foundation
  - b) Rough Carpentry, HVAC, Electric & Plumbing
  - c) Draintile/Basement Floor
  - d) Underfloor Plumbing/Electric Service
  - e) Insulation
  - f) Final Carpentry, HVAC, Electric & Plumbing
  - g) Erosion Control

- 6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- 7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.
- 8) Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in Section 6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

## 9. SUBMISSION OF PLAN

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans 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. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

1. The above-described "plot plan" for a new building shall be a parcel survey (one original with Surveyor's signature and stamp plus two copies). Said survey shall show the following:
  - a. Location and dimensions of all existing and proposed buildings
  - b. Lot dimensions and all lot corner elevations using U.S.G.S. datum
  - c. Building Setbacks
  - d. Location and elevation using U.S.G.S. datum of driveway and driveway approach (including the flare)
  - d. The elevation of the proposed structure using U.S.G.C. datum (must be in accordance with the approved grading plan)
  - e. Elevation of the lot and relation to sidewalk, street, etc. using U.S.G.S. datum

- f. Elevation and setback of adjacent buildings using U.S.G.S. datum
  - g. Type of monuments at lot corners (i.e., I.P.)
  - h. Water courses, easements and drainage pattern
  - i. Seal and signature of surveyor/professional engineer
2. The Village shall issue its preliminary building permit as a result of the above submittals subject, however, to the owner confirming the actual elevations and location of the foundation once it is installed. No further construction work can be completed on the new building until submission of a recertification of the foundation elevations and location, confirming that the foundation elevations and location conform with the original permit and application regulations.

## **SECTION 10. ISSUANCE OF PERMITS**

1. The Inspector shall issue the requested permit as a preliminary permit to construct the foundation if the owner or contractor demonstrates that 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 visible location from the street. A preliminary permit is valid for six months. A preliminary permit may be extended for a specific time frame upon Building Inspector's approval and payment of appropriate fees.
2. Upon completion of the foundation, the owners or contractor shall submit a recertification by a surveyor/professional engineer identifying setbacks and elevations. Said recertification shall be submitted to the Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the existing foundation conforms to the local requirements, a final building permit shall be issued and if a permit card is issued, it shall be posted at the job site in a visible location from the street. Final building permits are valid for two years. A final building permit may be extended for a specific timeframe upon Building Inspector's approval and payment of appropriate fees.
3. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
4. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the

requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

5. Upon completion of construction and final grading, the owner/contractor shall provide notice to the Building Inspector and the Village shall check the elevations of the final grade contours to insure that they conform to approved drainage plans and yard elevations. The cost of determining the elevations of final grade contours shall be borne by the Village. If the elevations are not correct, the Building Inspector shall notify the property owner and contractor and the final grade contour shall be brought to their proper elevations by owner/contractor within thirty days of notice by the Building Inspector of the violation. Thereafter, any cost incurred in rechecking the elevations shall be borne by the property owner who shall pay said costs within thirty (30) days of receipt of an invoice therefor. In the event a property owner fails to pay the invoice as provided herein, the Building Inspector shall certify the amount of the unpaid invoice to the Village Clerk who shall cause said amount to be added to the tax bill for the separate parcel.
6. The elevation for drainage plans shall be as set forth in the subdivision drainage plan or as determined by the Village Engineer if the building site is not subject to a formal drainage plan. Elevations for new residences are as set forth in Section 5 (8) of the Village of Eden Subdivision Control Ordinance.

## **11. COMPLETION DEPOSIT REQUIRED**

A deposit of \$400 is required for all projects whose total costs, including labor, materials and supplies, will equal or exceed \$1,500. This deposit applies to any demolition projects that exceed this expense limit. The deposit shall be refunded after the project is completed and the building inspector has found that the building or other improvement and final yard grading elevation complies with all applicable codes and the lawn is seeded and growing. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. The deposit shall also be forfeited if the exterior of the building or improvement is not finished within two years of the date the permit is issued. Finally, the deposit shall be forfeited if the final grading and seeding for the yard at its established elevation is not completed within one year of occupancy or, if said premises are not occupied, the final grading and seeding for the yard at its established elevation is not completed within two years of the date the permit is issued.



## 12. RAZING AND DEMOLITION

- 1) Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than 400 square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.
- 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 detailed description of the buildings and or building parts to be part of the demolition.
  - f) 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;
  - g) 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);
  - h) A description of the method of demolition to be used; and
  - i) 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;
  - j) Along with the application for the 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, that does not adversely affect the environment and in accordance with the terms and disclosures in the permit application, i.e., methods, routes and destination of transporting waste material, water and soil erosion, dust prevention. The demolition shall be completed within thirty (30) days of issuance of the permit. Completed demolition shall include appropriate removal of all building material from the site. Thereafter, the timetable for filling, grading and leveling off as set forth in Section 4(a) shall apply. The seeding, sodding or treatment in some other manner acceptable to the Building Inspector described in Section 4(a) shall be completed not later than thirty (30) consecutive days after demolition is completed unless extended by the Building Inspector due to weather conditions that prevent or interrupt that final site restoration procedure.
- 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.
  - c) 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.

### 13. MOVING BUILDINGS

- 1) General. No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefore from the Building Inspector and upon the payment of required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- 2) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within 20% of the surrounding buildings within 1,000 feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within 20% of the lowest equalized value of any of the surrounding buildings.
- 3) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day by day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building 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.
- 4) 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 Building Inspector who shall thereupon, in the company of the municipal highway commissioner, inspect the street and highways over which said

building has been moved and ascertain the condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the governing body, said body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of same.

- 5) Conformance With Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the said municipality until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that when same are completed, the building, as such, will so comply with said Building Code. In the event a building is to be moved from the municipality to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.
  
- 6) Bond.
  - a) Before a permit is issued to move any building over any public way in this municipality, the party applying for said permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than Five Thousand Dollars (\$5,000.00). Said cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.
  - b) The bond required by (a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein. The Building Inspector may waive the timelines in this paragraph if the Building Inspector, after investigation, determines that the excavation exposed by the removal of such building from its

foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under 12 years of age.

- 7) Insurance. The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than Five Hundred Thousand Dollars (\$500,000) and for one accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000), or such other coverage as deemed necessary.
  
- 8) Municipality
  - a) Before any permit to relocate a building may be issued, the Municipality's Village Board shall examine the application for the permit and approve the application by a majority vote.
  - b) The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations, and a site plan showing the location of the building on the final resting site.
  - c) The Municipality shall not grant a permit unless the Board has taken a view of the building proposed to be moved and of the site at which it is to be located.
  - d) The Municipality may not issue a permit for relocation of a building unless it finds that the exterior appearances and design of the building to be moved or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the municipality. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.
  - e) In case the applicant proposed to alter the exterior of said building after moving the same, he shall submit, with his application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash bond of not less than \$5,000 with the Municipality to secure the timely completion of all proposed exterior alterations to said building, as set forth in the plans and specifications. This bond shall be in addition to any other bond

or surety which may be required by other applicable ordinances of the municipality.

- f) No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.
- g) Whenever an application for relocation of a building is made to the Building Inspector, he shall request a meeting of the Municipality to consider the application. The Building Inspector shall inform the Municipality whether or not the application complies, in all respects, with all other ordinances of the Municipality. The Municipality may, if it desires, hold a public hearing on the permit.

#### **14. OCCUPANCY PERMIT**

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Inspector may issue a temporary occupancy permit for a specified term. No person may have occupancy of a building until an occupancy permit is issued.

#### **15. EXTERIOR FINISH REQUIRED**

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

#### **16. MAINTENANCE OF YARDS**

During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Open storage of non-licensed or disabled vehicles shall not be allowed unless approved by the Municipality. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property.

#### **17. FEES**

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuance, the permit fee shall double.

#### **18. VIOLATIONS AND PENALTIES**

- 1) Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.

- 2) Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- 3) Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- 4) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

## **19. STOP WORK ORDER**

The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Municipality. The Municipality shall hear the appeal within seven days. The Municipality shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

## **20. VARIANCE**

The Municipality shall hear requests for variances from the building code to the extent the Municipality has authority to hear and grant variances. The Municipality shall approve, conditionally approve, or deny a requested variance. The Municipality may grant a variance from a Code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

## **21. DISCLAIMER AND NON-LIABILITY FOR DAMAGES**

This Ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

**22. SEVERABILITY**

If any section, clause, provision or portion of this Ordinance or any underlying Statute or Administrative Code Section adopted by reference herein is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Adopted this 8<sup>th</sup> of April 1996.

The above ordinance has been amended by specific resolution(s) duly adopted and published. The undersigned, Clerk/Treasurer of the Village of Eden, Wisconsin, does hereby certify that this ordinance now contains the original ordinance together with those amendments previously adopted and duly published.

Dated this 17<sup>th</sup> day of April 2008.

Village of Eden

\_\_\_\_\_  
Village President

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Village Clerk/Treasurer