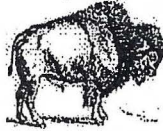


Buffalo County Ordinance



Drafted By:

Paul van Eijl

Presented Month/Year:

March, 2010

Involved Committees:

Zoning

County Department:

Zoning

Fiscal Impact: No

CA Approved: YES

ORDINANCE # 10-03-02

AN ORDINANCE TO AMEND THE BUFFALO COUNTY CODE OF ORDINANCES TO INCLUDE THE "BUFFALO COUNTY UNIFORM DWELLING CODE ORDINANCE"

The Board of Supervisors of Buffalo County hereby ordain as follows:

WHEREAS, On January 7, 2010 the Buffalo County Zoning Committee considered adoption of an ordinance entitled "The Buffalo County Uniform Dwelling Code Ordinance" and placed the same on file in the Office of the County Clerk for a period of time greater than two weeks prior to March 4, 2010, and;

WHEREAS, the Buffalo County Zoning Committee held a public hearing on March 4, 2010 for the purpose of public review of the proposed ordinance and for gathering testimony and developing a final draft of said amendments to recommend to the Buffalo County Board of Supervisors, and;

WHEREAS, notice of this meeting and the Board's final consideration of adoption on March 30, 2010 was published in the "2010 Buffalo County Official County Newspaper" in accordance with s. 66.0103 Wisconsin Statutes, and;

WHEREAS, it is the recommendation to the Board of Supervisors to adopt said ordinance as approved by the Zoning Committee during their March 4, 2010 public hearing.

NOW, THEREFORE BE IT ORDAINED that the Buffalo County Board of Supervisors hereby adopts the proposed ordinance entitled "The Buffalo County Uniform Dwelling Code Ordinance" which shall be kept permanently on file and open to public inspection in the Office of the County Clerk:

BE IT FURTHER ORDAINED that this ordinance shall take effect after publication of the notice of adoption as required by law.

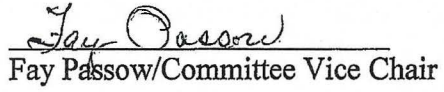
REPEAL OF CONFLICTING ORDINANCES. All other ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Buffalo County Board of Supervisors are hereby repealed.

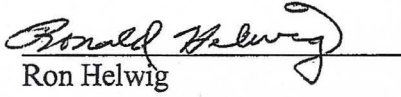
SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Buffalo County Board of Supervisors would have passed the other provisions, sections, subsections, paragraphs, clauses, or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

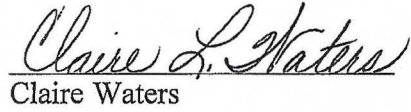
Adopted/denied by a 15 to vote this 30th day of March, 2010 by the Buffalo County Board of Supervisors

Respectfully submitted this 4th day of March, 2010:
Buffalo County Zoning Committee


Larry Ball/Committee Chair

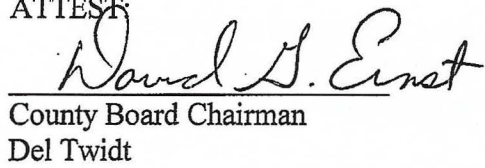

Fay Passow/Committee Vice Chair

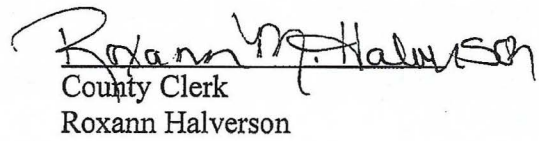

Ron Helwig


Claire Waters


Lee Wieland

ATTEST


County Board Chairman
Del Twidt


County Clerk
Roxann Halverson

FINAL DRAFT

CHAPTER 759 **BUFFALO COUNTY UNIFORM DWELLING CODE** **ORDINANCE**

759.01	Title	759.09	Insurance of Inspection Agency
759.02	Purpose	759.10	Fees
759.03	Authority	759.11	Responsibility Construed
759.04	Applicability	759.12	Uniform Dwelling Code Standards Prevail
759.05	Future Statutory Amendments	759.13	Enforcement and Penalties
759.06	Effect of Regulations	759.14	Validity
759.07	Administration	759.15	Definitions
759.08	Credentials		

759.01 TITLE

This chapter shall be referred to as the Buffalo County Uniform Dwelling Code Ordinance.

759.02 PURPOSE

The purpose of the Ordinance is to provide a regulatory scheme for the construction of 1 and 2-family dwellings and other habitable structures and the placement of manufactured homes in Buffalo County, subject to reasonable restrictions, which will preserve the public health, safety, and general welfare.

759.03 AUTHORITY

This ordinance is adopted pursuant to authority granted by Wisconsin State Statutes Sections: 101.65 and 101.651. The County Board adopts the Uniform Dwelling Code for the construction of new 1 and 2-family dwellings, habitable structures and the placement of manufactured homes. This ordinance does not regulate additions or alterations to existing structures. This ordinance shall incorporate by reference WI Adm. Code chapters Comm 20-25 (Uniform Dwelling Code).

759.04 APPLICABILITY

This ordinance shall apply and be enforced in any city, village or town within the boundaries of Buffalo County, which has not enacted an ordinance pursuant to WI. SS 101.65 or 101.651 and has adopted this ordinance through resolution.

759.05 FUTURE STATUTORY AMENDMENTS/REVISIONS/ MODIFICATIONS

Any future amendments, revisions, and/or modifications of any portion of the Wisconsin State Statutes or administrative codes referred to in this ordinance are incorporated herein and made part of this ordinance.

759.06 EFFECT OF REGULATIONS

No person shall build or cause to be built any structure or move any structure covered under this ordinance without first obtaining a building permit.

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759.07 ADMINISTRATION

The Buffalo County Board shall designate an inspection agency to administer this ordinance through resolution. The Buffalo County Zoning Committee shall review the designated agency's performance at the end of each calendar year and may rescind its appointment through resolution. The agency currently providing inspection services shall be provided notification in writing at least 30 days prior to introduction of a resolution, which would discontinue the agency's services.

759.08 CREDENTIALS

The inspection agency designated by the county shall administer and enforce this ordinance and shall be certified by the Department of Commerce Safety and Buildings Division, as specified by Wisconsin Statutes, Section 101.66(2) in the category of Uniform Dwelling Code Construction Inspector. Additionally, the inspector shall possess the certification of UDC-HVAC Inspector, UDC-Electrical Inspector, and UDC-Plumbing Inspector. The inspection agency designated by the county shall be responsible for acquiring and maintaining all appropriate credentials necessary to fulfilling the requirements of this ordinance. The cost of credentials and continuing education shall be the responsibility of the designated agency.

759.09 INSURANCE OF INSPECTION AGENCY

The inspection agency responsible for carrying out the provisions of this ordinance shall be fully responsible for acquiring and maintaining all necessary forms of insurance.

759.10 FEES

The inspection agency shall be responsible for collection of all building permit fees associated with this ordinance. The Buffalo County Board of Supervisors shall designate all fees associated with this ordinance through resolution.

759.11 RESPONSIBILITY CONSTRUED

This ordinance and all inspections and approvals hereunder shall not be construed as establishing any legal or financial responsibility on the part of the county or any of its agents or employees for the design or construction of any structure. The sole responsibility for code compliance and care in construction shall be vested in the property owner, building or contractor.

759.12 UNIFORM DWELLING CODE STANDARDS PREVAIL

In any case where a provision of this ordinance is found to be in conflict with any ordinance or code of any city, village or town within the boundaries of the county existing on the effective date of this ordinance, any provision that is in conformity with the Uniform Dwelling Code Comm. 20-25 shall prevail.

759.13 ENFORCEMENT AND PENALTIES

Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, together with the cost of the action. Each day

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of continued violation shall constitute a separate offense. Compliance therewith may be enforced by injunctive order.

759.14 VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared invalid.

759.15 DEFINITIONS

1. Dwelling: Any building that contains 1 or 2 dwelling units.
2. Dwelling Unit: A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of others.
3. Habitable Structure: Any structure intended to be used as a sleeping place for one or more persons.
4. Inspection Agency: Shall mean an agency, firm, corporation, individual or other entity responsible for carrying out the requirements of this ordinance.
5. Manufactured Home: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425.
6. Mobile Home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
7. Modular Home: Any structure or component thereof which is intended for use as a dwelling and:
 - a. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or
 - b. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.
8. Recreational Dwelling: Any structure intended to be used as a sleeping place in conjunction with recreational activities usually on or near the structure. Occupancy of such structures is seasonal or periodic in nature.

