COMPREHENSIVE MODEL BUILDING CODE

Town of Eden

Ordinance # 2009 A

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1-1-01 Authority. These regulations are adopted under the authority granted by chs. 59, 60, 61, 62, 66 and 101, Wis. Stats. Where this ordinance conflicts with applicable uniform state codes, the latter shall govern.

1-1-02 Purpose. The purpose of this building code is to promote the health, safety and welfare of our municipality.

1-1-03 Scope. This building code applies to all dwellings, commercial buildings, apartment buildings*, swimming pools, garages and other outbuildings. Excepted are outbuildings used exclusively for children's play structures, agricultural buildings (Note: permit required for electrical service), dog kennels and storage sheds of less than 200 square feet in area.

1-1-04 Permit Required. Prior to Commencing any of the following work, the owner or agent shall obtain a valid permit from the municipal building inspector as follows:

New buildings.
Additions that increase the physical dimensions of a building, including decks.
Alterations to the building structure costing, within a 12 month period, over $5,000.00, including market labor value, or alterations to the building's heating, electrical or plumbing systems.
Replacement of major building equipment, including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered if over $5,000.00.
Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing and finishing of interior surfaces, and installation of cabinetry shall be exempted from permit requirements. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof.
Commercial buildings are included in electrical permit requirements.

[*Note: A municipality wishing to require electrical permits for Commercial buildings must comply with the Safety & Buildings notification and inspector certification requirements of ss. Comm 16.60 to 16.67. Contact Safety & Buildings for further information.]

1-1-05 Adoption of Codes. The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement.

Ch. Comm 16	Electrical Code
Chs. Comm 20-25	Uniform Dwelling Code
Ch. Comm 28	Smoke Detectors
Chs. Comm 61-65	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. Comm 70	Historic Building Code
Chs. Comm 75-79	Existing Buildings Code
Chs. Comm 81-87	Uniform Plumbing Code

1-1-06 Scope of Uniform Dwelling Code Expanded. Nothwithstanding s. Comm 20.05, the scope of the Wisconsin Uniform Dwelling Code is revised to include for the purposes of this ordinance:

Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under s. Comm 20.19 and 20.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. Comm 20.19 (Intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Detached garages serving one- and two-family dwellings and any heating, electrical or plumbing systems therein, shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph

Residential sheds of over 200 square feet in area.

1-1-07 Building Inspector

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 state in the required categories specified under s. COMM 5, Wisconsin Administrative Code.

Subordinates. The building inspector may appoint, as necessary, subordinate inspectors. Any subordinate retained to inspect buildings shall be certified as necessary under Ch. COMM 5, Wisconsin Administrative Code, by the state.

Duties. The building inspector shall administer and enforce all provisions of this ordinance.

Powers. Within the limits of the law, the building inspector 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

Records. The building inspector shall perform all administrative tasks required by the applicable codes. In addition, the inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issuance.

1-1-08 Submission of Plans. Two sets of building plans shall be submitted to the building inspector for any work valued over $5,000.00, any work which expands the size of a building, any new building, or as required by the building 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.

1-1-09 Issuance of Permit. The building 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 visible location. Permits are valid for two years.

1-1-10 Occupancy Permit. If no non-compliances are found by the building inspector, then the building inspector shall allow occupancy. If minor non-compliances, other than health or safety items are in existence, the inspector may allow temporary occupancy for a specified term. Occupancy may not be taken until occupancy is allowed by the inspector.

1-1-11 Exterior Finish Required. All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

1-1-12 Maintenance of Buildings. All buildings shall be maintained so that they do not lose value or become non-complying with applicable codes.

1-1-13 Maintenance of Yards. Yards shall be kept free of weeds and trash.

1-1-14 Fees. At the time of building permit application, the applicant shall pay fees as established periodically by the municipal governing body. If work commences prior to permit issuance, double fees may be charged by the building inspector.

1-1-15 Violations and Penalties. Violations of this code shall, upon conviction, be subject to a forfeiture of not less than $25.00 nor more than $1,000.00 for each day of noncompliance, together with the costs of prosecution. Violations discovered by the building inspector shall be corrected within 30 days, or more if allowed by the inspector, after written notice is given.

1-1-16 Stop Work Order. The inspector may issue a stop work order against a project to prevent further non-complying work.

1-1-17 Liability for Damages. This ordinance shall not be construed as an assumption of liability by the municipality or inspector for damages because of injuries sustained or property destroyed by any defect in any installation or on any premises.

Adopted this 2nd, day of Feb.

(Chairperson)

Attest: Tara J Thomas

Published: _____

TOWN OF EDEN
IOWA COUNTY, WISCONSIN

ORDINANCE NO. 2026-6

AN ORDINANCE AMENDING BUILDING CODE ORDINANCE 2009A

TO ADD NOISE PERFORMANCE STANDARDS FOR NEW NON-RESIDENTIAL DEVELOPMENT

The Town Board of the Town of Eden, Iowa County, Wisconsin, does ordain as follows:

Section 1. Purpose.

The purpose of this ordinance is to protect the public health, safety, and welfare of Town residents by preventing new non-residential development from increasing noise levels above pre-construction ambient conditions at property lines.

Section 2. Amendment.

Building Code Ordinance 2009A (adopted February 2009) is hereby amended by **adding the following new Section 1-1-18** (Noise Performance Standards) immediately after Section 1-1-17. The new Section 1-1-18 shall read in its entirety as follows:

1-1-18 Noise Performance Standards for New Development

1-1-18.1 Purpose

The purpose of this section is to protect the public health, safety, and welfare by ensuring that new non-residential development does not increase noise levels at property lines above pre-construction ambient conditions.

1-1-18.2 Applicability

This section applies to all new development and building permit applications in the Town of Eden, Iowa County, Wisconsin, **except the following:**

A. Residential Development

a. Single-family dwellings

b. Two-family dwellings

c. Multi-family dwellings

d. Accessory structures to residential uses

B. Agricultural Development

a. Agricultural Uses and Structures: Any "agricultural use," "accessory use," or structure associated with an agricultural use as defined under Wisconsin Statutes Section 91.01(2) and (1). This express exemption strictly includes, but is not limited to, the construction, modification, expansion, or 24-hour operation of:

i. Milking barns, milking parlors, free-stall barns, calf hutches, steer sheds, and feedlots.

ii. Silos, grain bins, feed storage bunkers, and manure storage facilities.

iii. Agricultural ventilation fans, vacuum pumps, emergency generators, and automated feeding systems

b. Agricultural Machinery and Vehicles: The operation of any equipment, implements of husbandry, tractors, or vehicles designed and used for agricultural purposes in the conduct of standard agricultural operations, pursuant to Wis. Stat. § 66.0411(1).

c. Livestock Facilities: Any livestock facility or operation as defined under Wisconsin Administrative Code Chapter ATCP 51, regardless of animal unit size.

This section **does not apply** to residential or agricultural development.

1-1-18.3 Performance Standard – Limited Increase in Noise

For any non-exempt use or structure, the average noise measured at any point along the property line shall not exceed the pre-construction ambient noise level by more than **3 dBA** (A-weighted). Noise from routine/constant operation (including but not limited to HVAC equipment, mechanical systems, pumps, fans, generators, or other equipment) must be designed, sited, and attenuated so that the increase above the measured ambient baseline does not exceed 3 dBA.

1-1-18.3.1 Measurement Standards

All noise measurements required under this section shall comply with the following:

1. Measurements shall be taken with a Type 1 or Type 2 sound level meter meeting ANSI S1.4 standards (or successor standard).

2. All measurements shall be A-weighted and reported as the equivalent continuous sound level (Leq) or the level exceeded 50 percent of the time (L50).

3. Measurement duration shall be a minimum of 15 consecutive minutes under representative conditions.

4. Measurements shall be taken at the property line, approximately 5 feet above ground level, and at least 10 feet from any large reflecting surfaces.

5. Separate daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) ambient baselines shall be established when the proposed use will operate during both periods.

6. The post-construction (or predicted) measurement shall be conducted under conditions comparable to those used for the pre-construction ambient measurement.

1-1-18.4 Pre-Building-Permit Testing and Documentation Requirement

No building permit shall be approved for any non-exempt use or structure unless the applicant first submits all of the following:

1. A baseline ambient noise study conducted by a qualified professional (acoustical engineer or certified sound technician) measuring existing noise levels at all property lines in accordance with Section 1-1-18.3.1.

2. A noise impact analysis demonstrating that the proposed development will not cause noise at the property line to exceed the measured pre-construction ambient levels by more than 3 dBA. The analysis may include equipment specifications, sound modeling, proposed mitigation (barriers, silencers, enclosures, placement, etc.), and predicted noise levels.

3. Certification that the study was performed during representative conditions (daytime and nighttime as applicable).

Testing and documentation must be submitted with the building permit application. The Town Building Inspector or designee may require additional mitigation or reject the application if compliance cannot be demonstrated.

1-1-18.5 Town Board Exemption

The Town Board may, upon written application by the property owner or developer, grant a full or partial exemption from the requirements of this Section 1-1-18. The application must include:

- A detailed statement of the reasons for the requested exemption;
- Supporting evidence showing that compliance is not feasible or that the proposed development will not create any measurable increase in noise beyond the 3 dBA limit; and
- Any other information requested by the Town Board.

The Town Board shall consider the application at a properly noticed meeting of the Town Board and may approve, deny, or condition the exemption as it deems appropriate in the interest of public health, safety, and welfare. Any exemption granted shall be recorded with the building permit and shall be binding on future owners.

1-1-18.6 Appeal Process for Denials

Any denial of a building permit under this Section 1-1-18 or denial of an exemption request may be appealed by the applicant or property owner. The appeal must be filed in writing with the Town Clerk within 30 days of the denial notice and must include:

- A detailed statement of the grounds for the appeal;
- Supporting evidence or documentation; and
- Any other information requested by the Town Board.

The Town Board shall consider the appeal at a properly noticed meeting of the Town Board and may uphold, reverse, or modify the denial as it deems appropriate in the interest of public health, safety, and welfare. The decision of the Town Board shall be final.

1-1-18.7 Enforcement and Penalties

- Compliance is a condition of building permit approval and certificate of occupancy.
- Post-construction verification testing may be required by the Town if complaints are received.
- Violations are subject to the penalties provided in Building Code Ordinance 2009A and general Town ordinances (fines, stop-work orders, permit revocation, or abatement as a public nuisance).

1-1-18.8 Severability

If any provision of this section is held invalid, the remainder shall not be affected.

Section 3. Effective Date.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this _____ day of _____, 2026.

TOWN OF EDEN BOARD

_____
Chairperson

ATTEST:

_____
Town Clerk