

Article E: Enforcement and Penalties

Sec. 15-1-90 Penalties and Violations.

- (a) **Any building or structure hereafter** erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of the City Building Code, the City Electrical Code, Plumbing Code and Heating, Ventilating and Air Conditioning Code (all included within the definition of "this Chapter" for purposes of this Section), shall be deemed an unlawful building, structure or use. The Department of Inspection shall promptly report all such violations to the City Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions in Section 1-1-7 of the Code of Ordinances. Any person who fails to obtain a building permit before starting construction shall be charged double the regular rate for this late filing violation. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Department of Inspection or other City officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Department of Inspection shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. ILHR 20.10(1)(e), Wis. Adm. Code.
- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Department of Inspection after satisfactory evidence has been supplied that the cited violation has been corrected.
- (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
- (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

Building Code
15-1-90

- (c) Any person feeling aggrieved by an order or a determination of the Department of Inspection may appeal from such order or determination to the Board of Appeals, except the appeals regarding orders or determinations under the Electrical Code shall be made to the Board of Electrical Examiners. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the City of Onalaska charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

Sec. 15-1-91 Appeals to the Board of Building Appeals

- (a) **Board Composition.** There shall be a Board of Building Appeals composed of (5) five appointed members by the Mayor and confirmed by the Common Council as follows: One (1) Master Electrician; one (1) Master Plumber; one (1) Building Contractor; one qualified representative of the gas utility servicing the City and one (1) citizen member. All appointed members shall hold office for a three year term following their appointment and shall receive no payment for their services on this Board.
- (b) **Authority.** The Board of Building Appeals shall review all appeals of decisions rendered by the City Inspection Department related to the City of Onalaska Code of Ordinances. Prior to the hearing, the Board of Building Appeals shall meet to review the case for validity and jurisdictional responsibility. Cases under the jurisdictional responsibility of the State of Wisconsin or Federal Government shall not be heard.
- (c) **Hearings.** The Board shall following procedure when reviewing an appeal:
Order of Business.
 - (1) General Hearing. At the hearing, the order of business shall be as follows:
 - a. Statement of the nature of the case by the Chairman.
 - b. Appellant's side of the case.
 - c. Questions by Board members.
 - d. City Inspector's side of the case.
 - e. Questions by Board members.
 - f. Statements by interested persons such as neighbors or abutting landowners.
 - g. Questions by Board members.
 - h. Appellant's or applicant's rebuttal.

**Building Code
15-1-91**

- (d) **Applications and Fee.** Application for appeals to the Board of Building Appeals must be made in writing and must be received not more than 30 days after the final determination of a violation by the Inspection Department. Upon receipt of an application, the City Clerk will schedule a meeting by the Board of Building Appeals and shall notify the applicant of the hearing date and time. The application must be accompanied by a non-refundable \$100.00 application fee.
- (e) **Decisions.** The Board of Building Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter and shall notify the parties in interest and the City Inspector in writing of its decision. The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chairman of the Board of Building Appeals. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny a special exception, or variance.