

DEPARTMENT OF PUBLIC WORKS


100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor 
Paula Vandehey, Director of Public Works

SUBJECT: Update to Section 4-141 of the Municipal Code

DATE: February 11, 2019

The City of Appleton has traditionally required permit applications for new detached accessory buildings (garages) to include wall brace plans and that the garages are built to the same code standards as new homes, which must meet the minimum requirements of the Uniform Dwelling Code (UDC). However, recently a legal opinion from the State Department of Safety and Professional Services stated that detached accessory buildings are not part of the scope of the UDC.

In order to ensure that garages are built to a code standard, it is recommended that specific portions of the UDC be adopted for new-detached accessory buildings, to provide the Inspections Division with the authority to require wall brace plans and that accessory buildings are built in accordance with UDC construction standards.

Sec. 4-141. Garages and accessory buildings.

(a) **Unattached.** Unattached one- or 2-family garages and accessory buildings shall be constructed on concrete slabs as provided and shall conform to current UDC and American Concrete Institute (ACI) standards. in the uniform dwelling code adopted in 54-140; provided, however, that No concrete slab shall be required for unattached storage accessory buildings where the structure does not exceed one hundred (100) square feet in area and the structure building is securely anchored. Accessory buildings less than fifty (50) square feet are exempt from permits, however must comply with all zoning ordinance standards. Unattached accessory buildings shall maintain a fire separation distance that meets UDC standards. All one- or 2-family unattached buildings with overhead doors shall have at least one exit door that is a minimum of 32" in width. The overhead door shall not be used as an exit door. Unattached garages and accessory buildings may be framed with members spaced two (2) feet on center. All other general requirements of the uniform dwelling code shall be complied with. Accessory buildings that are 150 square feet. ft. or larger are considered a garage for the purposes of this section.

(b) **Wall brace plans.** Wall brace plans are required for accessory buildings greater in width or length than twelve (12) feet. Wall brace plans must meet UDC standards. Exterior walls and roofs shall meet UDC standards as far as for design, structural requirements and covering. Stairs or stairways, handrails, guardrails

or elevated areas inside and outside of the accessory building shall meet UDC standards.

~~(b)~~(c) **Attached.** Attached garages, carports and shelters that are connected to a residence shall have footings and foundations to the established frost line. Attached garages with exterior siding shall be framed to meet all general requirements. Floor drains in garages shall not connect to the foundation drain tile or a clear water sump. Attached carports and unheated shelters that are designed to compensate for movement or flexing and meet all other general requirements may be erected or installed on concrete slabs without frost walls and footings, provided that detailed drawings of design and method of construction are submitted with the permit application.

~~(e)~~ (d) **Construction time frame.** Unattached garages or accessory buildings must be completed within one (1) year from the date that the building permit is issued. Failure to complete the construction of garages and accessory buildings will require a new permit. The permit fee for additional permits will be double the original permit fee.

~~(d)~~ (e) **Garage door required.** All attached and detached garages, excluding carports, must have an operating garage door.

The Department of Public Works recommends approval of the changes to Section 4-141 of the Municipal Code of the City of Appleton.

cc: Amanda Abshire



To the Delegated Municipalities,

After recent inquiries regarding a municipality's ability to adopt an ordinance requiring accessory buildings to comply with the Uniform Dwelling Code, the Department of Safety & Professional Service is providing the following FAQ:

Question:

I am asking whether municipalities may require accessory buildings comply with the Uniform Dwelling Code?

Answer:

Accessory buildings, including detached garages, are exempted from the Uniform Dwelling Code. Wis. Admin. Code § SPS 320.05(4). An accessory building is defined as "a detached building, not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot." Wis. Admin. Code § SPS 320.07(1).

Wis. Admin. Code ch. SPS 320 to 325 Appendix A does provide a model ordinance that contains the option for a municipality to apply the Uniform Dwelling Code to detached garages. This provision is incorrect, and the Department of Safety and Professional Services is working to remove that provision.

Wis. Admin. Code § SPS 320.09(9)(a)3. states that dwelling contractor credentials are only required when a permit for work covered under Wis. Admin. Code chs. SPS 321 and 322 is required. As accessory buildings are exempted from the Uniform Dwelling Code, municipalities cannot require dwelling contractor or dwelling contractor qualifier credentials for the construction, addition, alteration or repair of accessory buildings.

The electrical code applies to all installations in private buildings, under Wis. Admin. Code § SPS 316.002(1)(a), and the plumbing code is intended to be uniform in application to all types of buildings, per Wis. Stat. § 145.02(2)(a). Accordingly, all rules and licensing requirements for electrical and plumbing apply to accessory buildings.

A municipality is able to adopt other regulations or portions of the Uniform Dwelling Code for accessory buildings.

This FAQ is meant to provide clarification on a specific question and should not be broadly construed to apply to other matters. Should you still have questions regarding the above FAQ please submit your questions to Laura Varriale, at DSPSDISLegal@wisconsin.gov.