

Chapter 10 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Environment, ch. 22; fire prevention and protection, ch. 26; land division, ch. 28; solid waste, ch. 34; streets, sidewalks and other public places, ch. 38; utilities, ch. 54; building sewers and connections, § 54-141 et seq.

State law references: Handicapped code, Wis. Stats. § 101.13, Wis. Stats. § 106.50; one- and two-family dwelling code, Wis. Stats. § 101.63; manufactured building code, Wis. Stats. § 101.70; multifamily dwelling code, Wis. Stats. § 101.971; historic building code, Wis. Stats. § 101.121; plumbing code, Wis. Stats. ch. 145.

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ARTICLE I. IN GENERAL

Sec. 10-1. Penalties.

Except as otherwise provided herein, any person who shall violate any provision of this chapter, or any order, rule or regulation made under this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 1-14.

(Code 1982, § 14.15)

Secs. 10-2--10-30. Reserved.

ARTICLE II. ADMINISTRATION*

***Cross references:** Administration, ch. 2.

DIVISION 1. GENERALLY

Secs. 10-31--10-50. Reserved.

DIVISION 2. DEPARTMENT OF BUILDINGS

Sec. 10-51. Department established.

There is established a department which shall be known as the department of buildings, and which shall include an inspector or inspectors and such employees as the town board may from time to time provide to supervise the construction of buildings and permanent equipment of buildings.

(Code 1982, § 14.01(1))

Sec. 10-52. Appointment of inspectors.

The town board shall appoint the following inspectors. Each inspector shall serve for a term of one year or until his successor is appointed and qualified.

- (1) Building inspector.
- (2) Plumbing inspector.
- (3) Electrical inspector.

(Code 1982, § 14.01(2))

Sec. 10-53. Compensation of inspectors.

Each inspector shall receive as compensation the fees as provided by resolution in this chapter. All supplies necessary for the office of inspector shall be furnished by the town.

(Code 1982, § 14.01(3))

Sec. 10-54. Deputy inspector.

In case of the absence or the inability of an inspector to act, the town board may appoint a deputy inspector who shall have the same powers as the inspector.

(Code 1982, § 14.01(4))

Cross references: Officers and employees, § 2-111 et seq.

Sec. 10-55. Supervision.

Inspectors shall have the necessary ability to supervise the general construction of buildings and permanent equipment of buildings. The town board may at any time remove such inspector, inspectors or employees for inefficiency, neglect of duties or malfeasance in office upon due notice and hearing.

(Code 1982, § 14.01(5))

Sec. 10-56. Enforcement.

Inspectors shall have, except where otherwise provided in this chapter, the general management and control of all matters pertaining to the department of buildings, and shall enforce all state laws and ordinances and lawful orders relating to the construction, alteration, repair, removal and safety of buildings and other structures and permanent building equipment.

(Code 1982, § 14.01(6))

Sec. 10-57. Power of inspectors.

The inspectors shall have full power to pass upon any question arising under the provisions of this chapter relating to buildings, permanent equipment of buildings, seepage beds, septic tanks and wells subject to conditions contained in this chapter.

(Code 1982, § 14.01(7))

Sec. 10-58. Records and reports.

Each inspector shall keep a record of all applications for permits in a book for such purpose and regularly number each permit in the order of issuance and keep a record showing the number, description and size of all buildings erected during his term of office, indicating the kind of materials used and the cost of each building and the aggregate cost of all buildings of the various classes. Each inspector shall keep a record of all inspections made and of all removal and condemnation of buildings and a record of all fees collected by him. Each inspector shall make an annual report to the town board on the matters outlined in this section.

(Code 1982, § 14.01(8))

Sec. 10-59. Authority of inspectors.

The inspectors shall have the power and authority at all reasonable times for any proper purpose to enter upon any public or private premises and make inspection thereof and to require the production of the permit for any building, electrical or plumbing work or the required license therefor. Any person interfering with an inspector while in the performance of the duties prescribed in this chapter shall be subject to a penalty as provided in section 1-14.

(Code 1982, § 14.01(9))

Secs. 10-60--10-90. Reserved.

ARTICLE III. BUILDING CODE*

***State law references:** State building code, Wis. Stats. § 101.60 et seq.; state plumbing code, Wis. Stats. § 145.13.

DIVISION 1. GENERALLY

Sec. 10-91. Compliance with state building code.

- (a) All construction work in the town shall be done in accordance with the requirements of the building code issued by the department of commerce and the requirements set forth in this chapter.
- (b) Plumbing, piping and fitting installed in any building erected in the town shall comply with the state plumbing code.
- (c) Electric wiring, including electric service wiring, fixtures and outlets installed in or in connection with any building erected in the town shall be done in accordance with the state electric wiring code and the further regulations and requirements of the building code issued by the department of commerce.

(Code 1982, § 14.02)

Sec. 10-92. Title.

This article shall be known as the "Building, Plumbing and Electrical Code of the Town of Yorkville" and shall be referred to in this chapter as "this code."

(Code 1982, § 14.03(1))

Sec. 10-93. Purpose.

In order to promote the public health, safety, morals and general welfare of the citizens of the town there are provided by this code certain minimum standards, provisions and requirements for the safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use and occupancy of all buildings or structures, except as excepted in this article.

(Code 1982, § 14.03(2))

Sec. 10-94. Scope.

This code shall apply to any buildings or structures hereafter erected in the town and they shall conform to all requirements of this code, except that this code shall not apply to farm out-buildings erected or structurally altered on any farm which comprises an area of at least 20 acres. If the land comprising the farm is less than 20 acres, the provisions of this code shall apply.

(Code 1982, § 14.03(3))

Sec. 10-95. Provisions supplemental; conflicts.

The provisions of this code shall supplement all laws of the state relating to buildings. Where requirements of the state code and the provisions of this code conflict, the requirements of the state code shall govern.

(Code 1982, § 14.03(4))

Sec. 10-96. Application to existing buildings, major alterations and repairs.

The following specified requirements shall apply to existing buildings, except those excluded in the preceding section, which for any reason do not conform to the requirements of this code for new buildings.

- (1) *Alterations or repairs.* If alterations or repairs in excess of 50 percent of the value of an existing building are made to any existing building within any period of 12 months, the entire building shall be made to conform with the requirements given in this article for new buildings; provided, however, that any existing building which for any reason requires repairs in excess of 50 percent of the value thereof, not deducting from such value any loss caused by fire or any other reason, shall be made to conform to the requirements of this code for new buildings or shall be entirely demolished.
- (2) *Changed use.* If the existing use or occupancy of an existing building is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall conform with the requirements given in this article for new buildings; provided, however, that if the use or occupancy of only a portion or portions of an existing building is changed, only such portion or portions of the building need be made to comply with such requirements. The building inspector is hereby given authority to approve any change in the use or occupancy of any existing building, even though such building is not made to fully conform to the requirements of this code, when it is obvious that such change in the use or occupancy of the existing building shall not extend or increase any nonconformity or hazards of the building.
- (3) *Minor alterations and repairs.* Every alteration or repair to any structural part or portion of an existing building shall, when deemed necessary in the opinion of the building inspector, be made to conform to the requirements of this code for new buildings. Minor alterations, repairs and changes not covered by the preceding subsections (1) and (2) of this section may be made with the same materials of which the building is constructed; provided not more than 25 percent of the roof covering of any building shall be replaced in any one period of 12 months unless the entire roof covering is made to conform with the requirements of this code for new buildings.

(Code 1982, § 14.03(5))

Sec. 10-97. Maintenance.

- (a) The requirements of this code covering the maintenance of buildings shall apply to all buildings and structures now existing or hereafter erected. All buildings or structures and parts thereof shall be maintained in a safe condition and all devices or safeguards which are required by this code at the erection, alteration or repair of any building shall be maintained in good working order.
- (b) This chapter shall not be construed as permitting the removal or nonmaintenance of any existing devices or safeguards unless authorized in writing by the building inspector.

(Code 1982, § 14.03(6))

Sec. 10-98. Minimum floor areas and foundation requirements for dwellings.

Section 28-88 is incorporated herein by reference as though fully set forth.

(Code 1982, § 14.06)

Sec. 10-99. Violation and penalties.

- (a) No person shall erect, construct, enlarge, alter, repair, move, demolish, convert, equip, use or occupy or maintain any building or structure in the town contrary to or in violation of any provision of this code or cause, permit or suffer such work to be done.
- (b) The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.
- (c) The issuance of a permit upon plans and specifications shall not prevent the building inspector from thereafter requiring the correction of errors in such plans and specifications or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of the town.
- (d) Every permit issued by the building inspector under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 60 days. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a first permit.

(Code 1982, § 14.05(5))

Secs. 10-100--10-120. Reserved.

DIVISION 2. ADMINISTRATION*

*Cross references: Administration, ch. 2.

Sec. 10-121. Powers and duties of building inspector.

- (a) The building inspector shall enforce all of the provisions of this code and for such purposes he shall have the powers of a police officer.
- (b) The building inspector or his authorized representative may enter any building or premises for the purpose of inspection or to prevent violation of this code upon presentation of the proper credentials.
- (c) Whenever any building work is being done contrary to the provisions of this code or is being done in an unsafe or dangerous manner, the building inspector may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done and any such person shall immediately stop such work until authorized by the building inspector to proceed with the work.
- (d) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this code, the building inspector shall order use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion within ten days after receipt of such notice or make the building or portion thereof comply with the requirements of this code. However, in the event of an emergency, the provisions of subsection (e) of this section shall apply.
- (e) Any building or portion thereof, including buildings or structures in process of erection, if found to be dangerous to persons or property or unsafe for the purpose for which it is being used or in danger from fire due to defects in construction, or dangerous for use because of insufficient means of egress, in case of fire, or which violates the provisions of this code due to the removal, decay, deterioration or the falling off of any thing, appliance, device or requirement originally required by this code, or which has become damaged by the elements of fire to an extent of 50 percent of its value, may be condemned by the building inspector. The building inspector shall serve notice in writing on the owner, reputed owner or person in charge of such building or premises, setting forth what shall be done to make such building safe. The person receiving such notice shall commence within 48 hours thereafter to make the changes, repairs or alterations set out in such notice and diligently proceed with such work or demolish the building. No such building shall be occupied or used for any purpose after the building inspector serves written notice of its unsafe or dangerous condition until his instructions have been complied with.
- (f) If at the expiration of the time set forth in the first notice, the instructions as stated have not been complied with, a second notice shall be served personally upon the owner, agent or the person in possession, charge or control of such building or structure or part thereof, stating therein such precautionary measure as may be necessary or advisable to place such building or structure or part thereof in a safe condition. Should the necessary changes not be made within 30 days after the service of such second notice, the town board may order the building

inspector to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the town board who shall cause the costs to be paid and levied as a lien against the property. Proper service of either such notice shall be personal service upon the owner of record if he is in town. If the owner of record is not in town, such service may be had upon any person accustomed to collect rents on the property in question who may be in town, and in the absence of such a person, upon the tenant of the premises. If such premises are vacant and the owner is not in town, such service shall be completed when the notice is sent by registered mail to the last known address of the owner. Whenever the owner, agent or tenant is a corporation, service may be upon the president, vice-president, secretary or treasurer or, in the absence of any of these, the local representative of such corporation.

(Code 1982, § 14.05(1))

Sec. 10-122. Alternate materials and types of construction.

- (a) The provisions of this code are not intended to prevent the use of types of construction or materials offered as an alternative for the types of construction or materials required by this code, but such alternate types of construction or materials to be given consideration shall be offered for approval as specified in this chapter.
- (b) Any person desiring to use types of construction or materials not specifically mentioned in this code shall file with the building inspector authentic proof in support of claims that may be made regarding the sufficiency of such types of construction and materials and request approval and permission for their use.

(Code 1982, § 14.05(2))

Sec. 10-123. Unsafe buildings.

Whenever the building inspector shall find that any building, structure or part thereof is dangerous to life, health or adjoining property by reason of bad condition, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he shall notify the owner or tenant thereof to cause the condition to be made safe or to be removed, as in the judgment of the building inspector may be necessary; and he shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon cause the building or structure to be made safe immediately or to be removed as ordered. If any such building is used for any purposes requiring a license, the building inspector may revoke such license until the building is made safe or removed to the satisfaction of the building inspector. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed and the expenses of such work may be recovered by the town in an action against the owner or tenant. The fire department shall give all reasonable assistance to the building inspector in such work. If the owner or tenant of any such building or structure is dissatisfied with the decision of the building inspector as to the unsafe character thereof, the question shall be referred to the town board whose decision shall be final.

(Code 1982, § 14.05(3))

Sec. 10-124. Appeals.

- (a) Any person whose application for a building permit for the use of a new material or method of construction has been refused by the building inspector or who may consider that the provisions of this code do not cover the point raised or that any particular provision would cause a manifest injury to be done, may appeal to the town board by serving written notice on the building inspector in which it shall be stated that the applicant desiring to use the alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered by the town board. Such notice shall be at once transmitted to the town board, which shall arrange for a hearing on the particular point raised.
- (b) Such written notice shall be accompanied with the sum of \$10.00 payable to the building inspector. If the appeal is denied, such fees shall be retained by the town. Otherwise, the fee shall be returned to the appellant.

(Code 1982, § 14.05(4))

Secs. 10-125--10-140. Reserved.

DIVISION 3. PERMITS

Sec. 10-141. Application for permit.

- (a) No person shall erect or construct any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, or cause such work to be done without first obtaining a permit therefor from the building inspector.
- (b) Any person desiring a building permit as required by this code shall file with the building inspector an application therefor in writing on a blank form to be furnished for that purpose.
- (c) Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot, block or tract or similar description that shall readily identify and definitely locate the proposed building or work.
- (d) Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the building inspector.
- (e) Copies of plans and specifications and a lot plan showing the location of the proposed building and every existing building thereon shall accompany every application for a permit and shall be filed in duplicate with the building inspector. The building inspector may authorize the issuance of a permit without plans or specifications for small or unimportant work. These plans shall be kept on file in the office of the building inspector until the completion of the building. The owner or contractor may have the plans returned to him any time thereafter for a period

of two years from date of issuance of the permit. Plans not called for within two years shall be destroyed.

- (f) Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to a scale of not less than one-eighth inch to one foot.
- (g) Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law shall be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required or requested by the building inspector.
- (h) Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the building code" or "to the satisfaction of the building inspector" shall be deemed imperfect and incomplete and every reference to this code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.

(Code 1982, § 14.04(1))

Sec. 10-142. Buildings permits.

- (a) The application plans and specifications filed by an applicant for a permit shall be checked by the building inspector and if found to be in conformity with the requirements of this code and all other laws or ordinances applicable thereto the building inspector shall, upon receipt of the required fee, issue a permit therefor.
- (b) When the building inspector issues a permit he shall endorse in writing or stamp both sets of plans and specifications "Approved." One such approved set of plans and specifications shall be retained by the building inspector as a public record and one such approved set of plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officers. Such approved plans and specifications shall not be changed, modified or altered without permission from the building inspector.
- (c) Each inspector is empowered to refuse a permit or permits when the applicant has been guilty of continued or willful violation of the building code.
- (d) A building permit shall lapse and become void if:
 - (1) The work is not commenced within four months from the date of issuance;
 - (2) The work is not completed within two years from the date of issuance; or
 - (3) The work is not completed within six months from the issuance of an occupancy permit with respect to the building.

For good cause shown, not due to the fault of the permittee, the building inspector may extend the building permit for an additional period, not to exceed six months. Before any work is commenced or recommenced after a building permit has lapsed, a new permit shall be issued at the regular fee rate.

- (e) No person who has obtained a building permit for a building or structure in the town shall allow such building or structure to remain in an unfinished state for a period longer than six months from the time the building permit has lapsed under

this section. Any person who has a building or structure in an unfinished state in the town as of the date of adoption of the ordinance from which this subsection is derived shall cause the building or structure to be completed within six months of the adoption of the ordinance from which this subsection is derived, and if not, shall be in violation of this subsection. This subsection shall apply, inter alia, to a person who has been granted permission to occupy a building or structure prior to final completion. For the purposes of this subsection, the term "unfinished state" shall mean a condition not in compliance with the approved building plans or not in compliance with the requirements of the building code.

(Code 1982, § 14.04(2))

Sec. 10-143. Bond.

- (a) Prior to the granting of any building permit for any new residential, commercial, industrial or institutional facilities or structures or for the remodeling of any such existing facilities or structures which in the judgment of the building inspector will require substantial equipment or materials, the applicant shall furnish a bond in the sum of \$2,000.00 as provided in this section. Such bond shall be in the form of cash or a letter of credit from an institution and in a form acceptable to the town.
- (b) Such bond shall guarantee:
 - (1) Any damage occurring during the period of construction to the public road or roads on which the property fronts, including the roadway ditches, shall be repaired and restored to the condition prior to such construction.
 - (2) All required culverts and all other required drainage structures or appurtenances are of the required size, gauge, class or length, are properly installed at the required elevations and locations and are in like-new and undamaged condition.
 - (3) All required ditches, swales, drain tiles, drainage easements and waterways located within the involved parcel or within the town road rights-of-way lying adjacent to the involved parcel are graded to the proper gradients and side slopes, lie at the required elevations and locations and are covered with healthy growing grass.
 - (4) All rubbish, debris and unused materials shall be removed from the premises.
- (c) All such work shall be completed as above provided within 120 days after issuance of the occupancy permit with respect to such premises. If such work is not so completed within such 120-day period, the town may cause such work to be completed in accord with this section and may charge the bond for any such costs. The balance of such bond shall be refunded to the applicant. If the bond is inadequate to pay for all such costs, the applicant shall pay such amount to the town on demand. If the applicant fails to pay such amount, the town may impose a special charge against the property pursuant to Wis. Stats. § 66.0703.
- (d) After an occupancy permit is issued by the town building inspector and the four requirements set forth in subsection (b) of this section have been met, the applicant may apply for the refund of the balance of the cash bond or the release

of the letter of credit.

- (e) The term "applicant" as used in this section shall be deemed to be the person, partnership or corporation who signs the application for a building permit. The applicant shall be responsible for the duties specified under this section. The applicant may not assign his rights or duties under this section.

(Code 1982, § 14.04(2a))

Sec. 10-144. Fees.

At the time the application for a building permit is filed, the applicant shall pay the following fees:

TABLE INSET:

(a) *Building permit fees.*

1.	Minimum Permit Fee	\$25.00
2.	Residences - one-family and two-family	\$0.15/sq. ft., \$200.00 min.
3.	Residences - additions, accessory buildings, private garages, etc.	\$0.15/sq. ft., \$25.00 min.
4.	Residences - apartments, three-family or over	\$0.15/sq. ft., \$100.00 min.
5.	Local business, institutional, and office buildings or additions thereto	\$0.15/sq. ft., \$25.00 min.
6.	Manufacturing and industrial buildings or additions thereto	\$0.05/sq. ft., \$300.00 min.
7.	Agricultural buildings	
	a. New buildings	\$0.04/sq. ft.
	b. Remodel	\$5.00/\$1,000 of valuation
	c. Minimum fee	\$25.00
8.	All other buildings, structures, repairs, alterations, siding, where cubic contents cannot be calculated	\$6.00 per \$1,000 valuation, \$25.00 min.
9.	Energy conservation permit	\$35.00 per home or primary structure
10.	Wrecking and razing. Building inspector may waive fee if building is condemned	\$25.00 for any structure
11.	Wisconsin state seal	State charge plus \$5.00
12.	Erosion control fees	
	a. One-family and two-family	\$50.00
	b. Other	\$75.00
13.	Moving building over public ways	\$100.00 --\$5,000.00 bond also required
14.	Failure to obtain permit prior to commencement of work	Double fees
15.	Flammable liquid storage	\$10.00 per 1,000 gallon capacity, \$100.00 max., \$35.00 min.
16.	Decks	\$25.00

TABLE INSET:

(b) *Heating, ventilating and air conditioning permit fees.*

1.	For one and two-family dwellings	
	a. Heating - gas, electric, coal or oil	
	• First 150,000 btu, for first unit	\$25.00
	• Each additional unit, per unit	\$10.00

b.	Air conditioning, per unit	\$25.00
c.	Fireplace or wood-burning stove, per unit	\$15.00
d.	Electric baseboard or wall units, per unit	\$10.00
e.	Minimum fee	\$35.00
2.	For commercial and other buildings	
a.	Heating - gas, electric, coal or oil	
•	First 150,000 btu	\$30.00
•	Each additional 150,000 btu	\$10.00
•	Each additional unit, per unit	\$10.00
b.	Air conditioning, per unit	\$25.00
c.	Commercial and industrial exhaust systems, per unit	\$30.00
d.	Electrical baseboard or wall units, per unit	\$10.00
e.	Minimum fee	\$35.00

TABLE INSET:

(c) *Electrical permit fees.*

1.	Outlets, switches and receptacles, each	\$0.50
2.	Light fixtures, each	\$0.50
3.	Fluorescent lamps, each	\$0.50
4.	Arc, mercury, sodium, post lights, each	\$2.00
5.	Electronic range, each	\$4.00
6.	Electronic water heater, each	\$4.00
7.	Electronic well pump, each	\$4.00
8.	Electric clothes dryer, each	\$4.00
9.	Garbage disposal, trash compactor, each	\$4.00
10.	Dishwasher, each	\$4.00
11.	Sump pumps, each	\$2.00
12.	Gas burner, oil burner, each	\$4.00
13.	Electric heating units, each	\$2.00
14.	Electronic heat pumps and furnaces	\$0.50/kw
15.	Refrigerating, air conditioning equipment	\$0.25/hp, \$5.00 min.
16.	Audio, signal, communication device, each	\$0.25
17.	Temporary service, each	\$15.00
18.	Services, each	\$25.00
19.	Power receptacles 230 - 480 volts 20 - 60 amps, each	\$4.00
20.	Dimmers, each	\$0.50
21.	Signs	
a.	Incandescent	\$0.10/socket, \$10.00 min
b.	Fluorescent or gas tube	\$0.50/transformer, \$4.00 min.
22.	Motors 1 hp	\$0.30/hp
23.	Generators, transformers	\$0.30/kw
24.	Machines, fuel pumps, each	\$4.00
25.	Swimming pool wiring	
a.	In ground, each	\$30.00
b.	Above ground, each	\$20.00
26.	Reinspection, each	\$20.00
27.	Minimum ffee	\$25.00

TABLE INSET:

(d) *Plumbing permit fees.*

1.	Sewer connection (main)	\$25.00
2.	laterals:	
	a. First 100 feet	\$25.00
	b. Additional, per foot	\$ 0.25
3.	Building drain:	
	a. First 100 feet	\$25.00
	b. Additional, per foot	\$0.25
4.	Sewer connection (curb)	\$25.00
5.	Sewer repair	\$30.00
6.	Capping sewer	\$30.00
7.	Water service installed, repaired or replaced	\$25.00
8.	Well	\$15.00
9.	All fixtures (each)	\$8.00
10.	Minimum fee	\$25.00

(Code 1982, § 14.04(3))

Sec. 10-145. Street or road occupancy permit.

- (a) Before placing any stone, brick, sand, dirt, gravel, cement, lumber, planks, boards or other machinery or any hoisting machine, building material, barrels or mortar box upon any sidewalk, street, road or public grounds within the town, a permit shall be first obtained from the building inspector by the party desiring to place such material, machinery, barrel or mortar box upon the sidewalk.
- (b) No fee shall be charged for such permit for the first 15 days following the date of issuance but after the expiration of such 15 days a fee shall be charged as established by resolution of the town board from time to time.
- (c) Such permit shall expire at the end of a reasonable length of time which shall be specified in the permit; upon good cause shown, the building inspector may extend any such permit from time to time as may be reasonably required upon written application made to the building inspector for that purpose.
- (d) Such permit shall not authorize the use of more than one-third of the highway between curblines opposite the premises of the person for whom the proposed building permit is granted or opposite the premises for which such permit is requested and shall not authorize the placing of any such material or machinery within ten feet from the track of any railway within the town, except where the street or road or such portion of the highway is occupied by double track such portion may be occupied as the building inspector may determine can be occupied with safety to the public. No such permit shall be issued where the placing of any such material or machinery or other thing upon the street, road or public ground shall unreasonably interfere with the public safety and convenience or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street, alley or road. No more than one-third of the highway between curblines shall in any event be occupied for the

placing or storing of any such material, machinery or other thing and no part of the sidewalks, parkway or curb shall be utilized for the placing or storage of building materials.

- (e) All materials placed upon any street, alley or road shall be piled in a compact form and in case of permanently improved streets or roads, there shall be placed a level plank floor under all brick, tile, stone or cement blocks. All accumulations of rubbish upon the sidewalk, street, alley or road shall be cleaned up each day at the close of working hours and also on the expiration of the permit. If construction is completed before the permit expires, then on the completion of the work all material and rubbish of any kind shall be removed and the sidewalk, street, alley or road left in good condition, clean and in good repair.
- (f) The persons to whom any such permit shall be granted shall cause such material or machinery placed in the street, alley or road to be properly guarded by day and each separate pile of material properly guarded by night, lighted by a red light in such manner as to warn all persons traveling upon the sidewalk, street, alley or road of the presence of such material or machinery.
- (g) If any such material or machinery shall not be removed from the street, road, alley or public grounds within the time therein required, the building inspector shall cause such material or machinery to be removed and the cost thereof shall be charged against and collected from the owner of the premises for whose benefit such permit was issued and the person obtaining such permit shall be liable also for the penalty prescribed for a violation of the provisions of this chapter.
- (h) Any material or machinery or other thing placed in a street, road, alley or public grounds shall be removed upon 24-hour notice given by the building inspector where such removal is necessary in order to repair, oil or otherwise improve such street, road, alley or public grounds or to lay water, sewer or other service pipes therein.
- (i) Application for a permit to place material, machinery or other things connected with building purposes in a street, road, alley or public ground shall be in writing and shall describe the premises by lot, block, street and street number, if any, in front of which such material, machinery or other thing connected with building purposes is desired to be placed and shall specify the character of the material for which the permit is desired.
- (j) Before a permit is granted, the applicant shall execute to the town and deliver to the building inspector a bond of undertaking in the sum of \$5,000.00 with surety or sureties to be approved by the town board conditioned to save the town harmless from all liability which may be incurred by the deposit or maintenance of such material, machinery or other things connected with building purposes in the street, road, alley or public ground by the applicant or by his contractors, servants, agents or employees, whether such material, machinery or other thing shall be placed within or beyond the limit specified by this chapter.

(Code 1982, § 14.04(4))

Sec. 10-146. Inspection and registered inspectors.

- (a) The building inspector shall inspect or cause to be inspected at various intervals

during the erection, construction, enlarging, alteration, repairing, moving, demolition, conversion, occupancy and underpinning, all buildings or structures referred to in this code and in the town and a final inspection shall be made of every building.

- (b) No building construction, alteration, repair or demolition requiring a building permit shall be commenced until the permit holder or his agent shall have posted the building permit card in a conspicuous place on the front of the premises and in such position as to permit the building inspector to conveniently make the required entries thereon, respecting inspection of the work. This permit holder shall maintain this permit card in such position by the permit holder until the building inspector has issued the certificate of occupancy.

(Code 1982, § 14.04(5))

Secs. 10-147--10-180. Reserved.

ARTICLE IV. ONE- AND TWO-FAMILY DWELLING CODE*

***State law references:** One- and two-family dwelling code, Wis. Stats. § 101.60 et seq.

Sec. 10-181. Purpose of article.

The purpose and intent of this article is to:

- (1) Exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings and additions to existing one-family and two-family dwellings.
- (2) Provide plans review and on-site inspections of one-family and two-family dwellings by inspectors certified by the state department of commerce.
- (3) Establish and collect fees to defray administrative and enforcement costs.
- (4) Establish remedies and penalties for violations.
- (5) Establish use of the state uniform building permit as prescribed by the state department of commerce.

(Code 1982, § 14.07(1))

Sec. 10-182. State uniform dwelling code adopted.

The Wisconsin Administrative Code provisions describing and defining regulations with respect to one-family and two-family dwellings in Wis. Admin. Code chs. Comm 20--25 are hereby adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this article. Any further amendments, revisions or modifications of the Wisconsin

Administrative Code provisions incorporated herein are intended to be made part of this article to secure uniform statewide regulation of one-family and two-family dwellings. A copy of these Wisconsin Administrative Code provisions and any future amendments shall be kept on file in the clerk-treasurer's office.

(Code 1982, § 14.07(2))

Sec. 10-183. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

Alteration means a substantial change or modification other than an addition or minor repair to a dwelling or systems involved within a dwelling.

Department means the state department of commerce.

Dwelling means any building, the initial construction of which is commenced on or after June 9, 1980, which contains one or two dwelling units, an existing structure or that part of an existing structure which is used or intended to be used as a one-family or two-family dwelling.

Dwelling code, uniform, means Wisconsin Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Comm 20, Administration and Enforcement

Comm 21, Construction Standards

Comm 22, Energy Conservation

Comm 23, Heating, Ventilating and Air Conditioning

Comm 24, Electrical Standards

Comm 25, Plumbing

Dwelling, one-family or two-family, means a building structure which contains one or two dwelling units, each intended to be used as a home, residence or sleeping place by an individual, or two or more individuals, maintaining a common household to the exclusion of all others.

Minor repair means repair performed for maintenance or replacement purposes on any existing one-family or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed, which is deemed minor repair.

(Code 1982, § 14.07(3))

Cross references: Definitions generally, § 1-2.

Sec. 10-184. Method of enforcement.

For the purpose of administering and enforcing the provisions of this article and the uniform dwelling code, the town designates the office of the building inspector created under sections 2-112 through 2-114.

(Code 1982, § 14.07(4))

Sec. 10-185. Administration.

- (a) *Building inspector.* The building inspector shall administer and enforce all provisions of this article and the uniform dwelling code. The building inspector shall be certified for inspection purposes by the department in each of the categories specified under Wis. Admin. Code § Comm 26.06 and by the state department of health and family services in the category of plumbing.
- (b) *Subordinates.* The building inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the town board. Any subordinate hired to inspect buildings shall be certified under Wis. Admin. Code ch. Comm 26 by the state department of commerce.
- (c) *Powers.* The building inspector, or an authorized certified agent, 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. No person shall interfere with or refuse to permit access to any such premises to the building inspector or his agent while in the performance of his duties.
- (d) *Records.* The building inspector shall perform all administrative tasks required by the state department of commerce under the uniform dwelling code.

(Code 1982, § 14.07(5))

Sec. 10-186. Building permits.

- (a) *Required.* No one-family or two-family dwelling of which initial construction shall be commenced after June 1, 1980, shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the building inspector. Application for a building permit shall be made in writing upon that form, designated as the state uniform dwelling permit application, furnished by the state department of commerce.
- (b) *Repairs and additions.* No addition, alteration or repair to an existing one-family or two-family dwelling not deemed minor repair by the building inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the inspector. No permit shall be required for remodeling within the confines of the existing foundation where the fair market value of the improvement does not exceed \$2,000.00. A permit is required if the remodeling has a fair market value in excess of \$2,000.00 or involves an addition to the premises, regardless of value.
- (c) *Submission of plans.* The applicant shall submit two sets of plans for all new construction, or repairs or additions, to one-family and two-family dwellings at the time that the building permit application is filed.

- (d) *Issuance.* If the building inspector finds that the proposed building, or repair or addition, complies with all town ordinances and the uniform dwelling code, the inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the building inspector.

(Code 1982, § 14.07(6))

Sec. 10-187. Fees.

Before a building permit is issued, the owner or his agent shall pay to the building inspector the appropriate fees as set forth in section 10-144.

(Code 1982, § 14.07(7))

Sec. 10-188. Violation and penalties.

- (a) No person shall erect, use, occupy or maintain any one-family or two-family dwelling in violation of any provision of this article or the uniform dwelling code, or cause to permit any such violation to be committed. Any person violating any of the provisions of this article shall, upon conviction, be subject to a penalty as provided in section 10-1.
- (b) If an inspection reveals a noncompliance with this article or the uniform dwelling code, the building inspector shall notify the applicant and owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to Wis. Admin. Code § Comm 20.10(1)(c).
- (c) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his 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 building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (d) Each day each violation continues after the 30-day written notice period has run shall constitute a separate offense. Nothing in this article shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this article or the uniform dwelling code.
- (e) If any construction or work governed by the provisions of this article or the uniform dwelling code is commenced prior to the issuance of a permit, double fees shall be charged.

(Code 1982, § 14.07(8))

Sec. 10-189. Appeal to town board.

Any person feeling aggrieved by an order or a determination of the building inspector may appeal from such order or determination to the town board. The appeal shall be governed by the procedures set forth in chapter 2, article VII.

(Code 1982, § 14.07(9))

Sec. 10-190. Liability for damages.

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

(Code 1982, § 14.07(10))

Secs. 10-191--10-220. Reserved.

ARTICLE V. ELECTRICAL CODE*

*Cross references: Utilities, ch. 54.

Sec. 10-221. Compliance with state electrical and building codes.

Electrical wiring, including electric service wiring, fixtures and outlets installed in, or in connection with, any building erected in the town, shall be done in accordance with the state electrical code and the further regulations and requirements of the building code issued by the state department of commerce.

(Code 1982, § 14.09(1))

Sec. 10-222. Tamperproof fuse receptacles or circuit breakers required; inspections.

- (a) Only tamperproof fuse receptacles or circuit breakers shall be used in new construction or change of service.
- (b) Inspections shall be made for all change of service or new construction.
- (c) All work which is to be concealed shall be inspected before covering.

(Code 1982, § 14.09(2))

Sec. 10-223. Inspection fees.

Fees for inspection of electric wiring or service shall be as follows:

- (1) Each new service installed in a new building shall be \$7.00.
- (2) Each new service installed to replace an existing service or installed in an existing building not now having electrical service shall be \$7.00.

(Code 1982, § 14.09(3))

Secs. 10-224--10-250. Reserved.

ARTICLE VI. PLUMBING CODE*

***State law references:** Plumbing code, Wis. Stats. ch. 145.

Sec. 10-251. State regulations adopted.

Wis. Stats. ch. 281, the State Plumbing Code, Wis. Admin. Code chs. Comm 81--86 are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein. A copy of the state plumbing code shall be on file in the offices of the plumbing inspector and the clerk-treasurer.

(Code 1982, § 14.10(1))

Sec. 10-252. Plumbing defined.

In this article, the term "plumbing" means and includes:

- (1) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and the installation thereof.
- (2) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems and the alteration of any such systems, drains or waste piping.
- (3) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.
- (4) The water pressure systems other than municipal systems as provided in Wis. Stats. ch. 281.
- (5) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(Code 1982, § 14.10(2))

Cross references: Definitions generally, § 1-2.

Sec. 10-253. Plumbing inspector.

- (a) *Generally.* The plumbing inspector shall enforce all provisions of this chapter and all other state and town provisions relating to the construction, installation, alteration and repair of all plumbing within the town and shall make such inspections, perform such tests and issue such orders as may be necessary for such enforcement.
- (b) *Authority to enter premises.*
 - (1) In the discharge of his duties, the plumbing inspector or his authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required under this article. No person shall interfere with the plumbing inspector or his authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this chapter and subject to a penalty as provided by section 1-14.
 - (2) If consent to entry to personal or real properties, which are not public buildings, or to portions of public buildings, which are not open to the public, for inspection purposes has been denied; the plumbing inspector shall obtain a special inspection warrant under Wis. Stats. §§ 66.122 and 66.123.
- (c) *Permits.* The plumbing inspector or his authorized agent shall prepare suitable forms for permit applications and permits, shall take applications and issue to qualified applicants permits as required for all work contemplated by this chapter and shall maintain suitable records of the permits issued. The plumbing inspector shall weekly submit permit fees collected by his office to the clerk-treasurer.
- (d) *Records and reports.*
 - (1) *To the town board.* The plumbing inspector shall keep in his office a daily record of all the transactions of his office, including permits issued and fees received, and shall make such reports thereon to the town board as it may require.
 - (2) *To the department of commerce.* The plumbing inspector shall make such reports to the state department of commerce as are required under Wis. Stats. § 145.04(3).
 - (3) *Record of special locations.* The plumbing inspector shall keep a record of all sewer and water connections and shall make maps showing the locations of such sewer and water connections and the positions of all house drains, connections, junctions and other data necessary for the efficient operation of his office.
- (e) *Stop work orders.* The plumbing inspector may order work stopped on the construction, installation, alteration or repair of plumbing when such work is being done in violation of this chapter. Work so stopped shall not be resumed except with written permission of the plumbing inspector, provided if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of

time.

(Code 1982, § 14.10(3))

Sec. 10-254. Plumbing permits.

- (a) *Required.* No work contemplated by this chapter shall be started until a permit therefor has been obtained from the plumbing inspector or his authorized agent, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.
- (b) *Application.* The application for a plumbing permit shall be in writing upon forms which the plumbing inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the plumbing inspector may require, and shall state that the property owner and the applicant will be bound by and subject to the provisions of this chapter.
- (c) *Issuance, term, suspension and revocation.* When the plumbing inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this chapter, and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall be good for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of 60 days without good and reasonable cause for the cessation of such work and shall automatically expire on completion of the work for which it was issued; provided the plumbing inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this chapter.
- (d) *Restrictions on issuance.*
 - (1) No plumbing permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.
 - (2) No plumbing permit shall be issued to any person against whom an order issued by the plumbing inspector is pending, provided this restriction may be waived by the plumbing inspector.
- (e) *Appeals for failure to issue, suspension and revocation.* Any person directly interested who is aggrieved by the decision of the plumbing inspector to refuse to issue a permit or to suspend or revoke such permit or to order work stopped under section 10-253(e) may obtain review of such determination under chapter 2, article VII.
- (f) *Fees.* The fees as established from time to time by resolution of the town board shall be paid to the plumbing inspector before the plumbing permit is issued. If plumbing work is begun before the permit has been obtained, double the fees shall be charged.

(Code 1982, § 14.10(4))

Sec. 10-255. Plumbers to be licensed.

All plumbing work shall be done only by a plumber licensed by the state for such work, provided a property owner may make repairs or installations in a single-family

building owned and occupied by him as his home if a permit therefor is issued and the work is done in compliance with the provisions of this chapter.

(Code 1982, § 14.10(5))

Sec. 10-256. Registration of plumbers.

- (a) *To be on file.* All master plumbers engaged in the business of plumbing in the town and all journeymen plumbers and apprentice plumbers working at the plumbing trade in the town shall register with the plumbing inspector, who shall keep such registration on file in his office.
- (b) *Information to be supplied.* Such registration shall consist of the full name and address, license number and current receipt number of each master or journeyman licensee. For an apprentice, the year of apprenticeship and the shop to which he is indentured shall be indicated.
- (c) *Registration requirements limited.* The purpose of this section is solely to provide for the administration of state licensing requirements and this chapter. No fee shall be charged for any plumber's registration, nor shall any information other than that specified in subsection (b) of this section be required.

(Code 1982, § 14.10(6))

Secs. 10-257--10-290. Reserved.

ARTICLE VII. MOVING BUILDINGS*

***Cross references:** Environment, ch. 22; streets, sidewalks and other public places, ch. 38.

Sec. 10-291. Bond requirement.

Before a permit to move any building is granted by the building inspector, the party applying for the permit shall give a bond in the sum of \$1,000.00 with good and sufficient securities to be approved by the town board, conditioned among other things that such party shall save and indemnify judgments, costs and expenses which may in any way accrue against the town and keep the town harmless against all liabilities, judgments, costs and expenses in consequence of the granting of such permits.

(Code 1982, § 14.08(1))

Sec. 10-292. Conditions and standards.

Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit the time for removal. The removal of a building shall be continuous during all hours of the day, and day by day and at night, if the building inspector so orders, until completed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street or road

crossing an intersection or so near thereto as to prevent easy access to any fire hydrant. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night. Any building or structure moved into the town shall be considered as a new building and shall wholly conform to the conditions and restrictions contained in the building code as to square footage and construction in cases of residence buildings or structures, and such buildings moved into the town which are not dwellings or residences shall conform to the building code as to construction detail. All such buildings moved into the town shall conform to the lot area provisions contained in this Code.

(Code 1982, § 14.08(2))

Sec. 10-293. Report of building reaching destination; inspection and repair of streets.

Every person receiving a permit to move a building shall, within one day after such building reaches its destination, report that fact to the building inspector who shall report such information to the town board chairperson. The town board chairperson shall thereupon inspect the streets or roads over which such building had been moved and ascertain their conditions. If the removal of such building has caused any damage to the streets, the house mover shall immediately place such streets in as good repair as they were in before the permit was granted. Upon failure of the house mover to repair the streets within ten days thereafter, to the satisfaction of the town board chairperson, the town board shall repair the damage done to such street or road and hold the sureties of bond given by the house mover responsible for the payment of the bond.

(Code 1982, § 14.10(3))

Secs. 10-294--10-320. Reserved.

ARTICLE VIII. ARCHITECTURAL CONTROL

Sec. 10-321. Object and purpose.

The purpose of this article is to promote the public health, safety and general welfare of the citizens of the town by providing regulations concerning architectural requirements pertaining to the exterior design of structures hereafter built, enlarged, altered or demolished within or moved within or into the town and to prohibit structures incompatible with the character of the surrounding or neighboring structures constructed or being constructed, and to thereby maintain and conserve the taxable value of land and buildings throughout the town and to prevent the depreciation thereof.

(Code 1982, § 14.11(1))

Sec. 10-322. Requirements.

No building permit for any structure for which a building permit is required in this Code shall be issued unless it has been found as a fact by the town plan commission upon a request for determination by the building inspector by at least a majority vote and after a view of the site of the proposed structure and an examination of the application papers for the building permit, that the exterior shall, when erected, not be so at variance with nor so similar to either the exterior architectural appeal and functional plan of the

structures already constructed in or in the course of construction in the immediate neighborhood or the character of the applicable district established by the zoning laws in force within the town as to cause a substantial depreciation in the property values of such neighborhood within the applicable district.

(Code 1982, § 14.11(2))

Sec. 10-323. Procedure.

Whenever the building inspector makes a request for a determination, the plan commission shall set a time and place for a hearing on the application giving notice of such hearing, as it may deem sufficient. The plan commission may, if it desires, hear the applicant for the building permit in question or the owner of the lot on which it is proposed to erect or move the structure in question together with any other persons, whether residents or property owners, desiring to be heard. Such hearing may be adjourned from time to time but not for more than 48 hours, and within 48 hours after the close of the hearing the plan commission shall in writing make or refuse to make the finding required by section 10-322. Such finding and determination shall be in writing and signed on behalf of the plan commission by the chairperson and secretary. The secretary shall thereupon file a copy of the findings and determination in the office of the clerk-treasurer and shall mail a copy of the findings by registered mail to each applicant for such permit on which the plan commission has acted. Thereupon the building inspector shall issue or refuse to issue a building permit in accordance with the determination of the plan commission.

(Code 1982, § 14.11(3))

Sec. 10-324. Appeal.

Any person feeling himself aggrieved by the determination of the plan commission may appeal from such determination to the town board within ten days after written notice shall have been delivered to him, such appeal to be in writing setting forth the basis of the appeal and to be filed with the clerk-treasurer. Such appeal shall thereupon be heard at the next regular meeting of the town board. On the appeal, in the absence of proof to the contrary adduced before the town board, a refusal to grant the building permit shall be deemed to be based upon facts and supporting the conclusion that the exterior architectural appeal and functional plan erected or moved, will be so at variance with or so similar to the exterior architectural appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district, as to cause a substantial depreciation in the property values of such neighborhood within the applicable district.

(Code 1982, § 14.11(4))

Secs. 10-325--10-360. Reserved.

ARTICLE IX. EROSION CONTROL *

***Cross references:** Environment, ch. 22.

State law references: Construction site erosion control, Wis. Stats. § 60.627.

Sec. 10-361. Authority.

This article is adopted pursuant to the authority granted by Wis. Stats. § 60.627.
(Code 1982, § 12.23(1))

Sec. 10-362. Findings and purpose.

- (a) *Findings.* The town board finds that runoff from potential and current land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state and the town, and to adjacent properties.
- (b) *Purpose.* It is the purpose of this article to preserve the natural resources, to protect the quality of the waters of the state and town, and to protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharge from land disturbing construction activity to waters of the state, and to adjacent properties.

(Code 1982, § 12.23(2))

Sec. 10-363. Applicability and jurisdiction.

This article applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the town where the construction activities do not include the construction of a building, as well as to the division of land within the boundaries of the town.

(Code 1982, § 12.23(3))

Sec. 10-364. Exemptions.

This article does not apply to the following:

- (1) Land disturbing construction activity otherwise regulated by the state department of commerce under Wis. Admin. Code § Comm 21.125 and Wis. Admin. Code § Comm 50.115.
- (2) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR 122, for land disturbing construction activity.
- (3) Land disturbing construction activity affecting a surface area of 8,000 square feet or less or involves the excavation or filling, or a combination of excavation and filling, affecting less than 300 cubic yards or more of dirt, sand, or other excavation or fill material.

(Code 1982, § 12.23(4))

Sec. 10-365. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural land use means the use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries, but does not include the construction of buildings or facilities used for agriculture.

Best management practice (BMP) means a structural or nonstructural practice, technique or measure, facility, system of practices or device that reduces soil, sediment or pollutants carried in runoff to waters of the state to a level compatible with the pollution control requirements of this article.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Erosion means the detachment and movement of soil, sediment particles or rock fragments by water, wind, ice or gravity.

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Final stabilization means all land disturbing construction activities at the construction site have been completed and a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Land disturbing construction activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, but does not include agricultural land uses, silviculture activities or routine maintenance for project sites that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

Landowner means any person holding fee title, an easement or other interest in property, which allows a person to undertake land disturbing construction activity on the property.

Maximum extent practicable (MEP) means a level of implementing best management practices in order to achieve a performance standard specified in this article which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. The term "maximum extent practicable" allows flexibility in how performance standards are met and may vary based on the performance standard and site conditions.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water (Wis. Stats. § 283.01(13)).

Pollution means contaminating or rendering unclean or impure the waters of the state, or making the waters injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life (Wis. Stats. § 281.01(10)).

Runoff means stormwater or precipitation including rain, snow or ice melt that moves on the land surface via sheet or channelized flow.

Sediment means settleable soil, rock fragments and other solids carried in runoff.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff;
- (2) Is not part of a combined sewer system;
- (3) Is not draining to a stormwater treatment device or system; and
- (4) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

Technical standard means an established criterion for planning, performance, design, operation or maintenance for a best management practice.

Waters of the state means those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction (Wis. Stats. § 281.01(18)).

(Code 1982, § 12.23(5))

Cross references: Definitions generally, § 1-2.

Sec. 10-366. Design criteria, standards, and specifications.

All best management practices required to comply with this article shall meet the design criteria, standards and specifications based on any of the following unless otherwise approved by the town engineer:

- (1) Accepted design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.
- (2) Other design guidance and technical standards identified, developed or disseminated by the state department of natural resources under subchapter V of Wis. Admin. Code ch. NR 151.

(Code 1982, § 12.23(6))

Sec. 10-367. Maintenance.

The landowner throughout the duration of the construction activities shall maintain all best management practices necessary to meet the requirements of this article.

(Code 1982, § 12.23(7))

Sec. 10-368. Control of erosion and pollutants during land disturbing construction activity.

- (a) *Responsible party.* The landowner shall be responsible for complying with this section.
- (b) *Erosion and other pollutant control requirements.* A written plan to reduce sediment and the pollutants identified in subsection (c) of this section from entering waters of the state, or separate storm sewers connecting to waters of the state, shall be developed in accordance with section 10-370 and implemented at each construction site.
 - (1) The plan shall utilize best management practices that are designed, installed or applied and maintained throughout the duration of land disturbing construction activities until the construction site has undergone final stabilization.
 - (2) Best management practices, by design, shall reduce sediment carried in runoff that enters waters of the state or enters a separate storm sewer connecting to waters of the state to the maximum extent practicable.
 - a. The goal is to develop and implement best management practices that, by design reduce the average annual sediment load carried in runoff by 80 percent, as compared to no sediment or erosion controls throughout the duration of the construction project. Erosion and sediment control best management practices may be used alone or in combination to meet this requirement. Credit toward meeting the sediment reduction goals may be given for limiting the duration or area, or both, of land disturbing construction activity.
 - b. If best management practices cannot be designed to reduce the average annual sediment load by 80 percent, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attained.
 - c. Where appropriate, sediment controls shall be implemented to do all of the following to the maximum extent practicable:
 - 1. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
 - 2. Prevent the discharge of sediment as part of site dewatering.

3. Prevent sediment from entering a separate storm sewer.

- (3) Where appropriate, the use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed to prevent their entrance into waters of the state or into a separate storm sewer connecting to waters of the state. However, this subsection does not prohibit projects that require the placement of these materials in waters of the state, such as constructing bridge footings.
- (c) *Location.* The best management practices required to comply with this article may be located on or off the construction site but shall be installed before runoff enters waters of the state or a separate storm sewer connecting to waters of the state.
- (d) *Regional treatment exclusion.* Runoff within a nonnavigable drainage-way that flows into a best management practice is not required to meet the performance standards of this article. The discharge of runoff from such a best management practice or after a series of such best management practices is subject to this article.

(Code 1982, § 12.23(8))

Sec. 10-369. Permit application, control plan, and permit issuance.

- (a) *Application and fees.* No landowner may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the town board. At least one landowner controlling or using the site and desiring to undertake a land disturbing construction activity subject to this article shall submit an application for a permit and an erosion and sediment control plan and pay an application fee of \$500.00 to the clerk-treasurer. By submitting an application, the applicant is authorizing the town engineer or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan. The town reserves the right to require an additional fee to reimburse the town for engineering-related costs, including costs of inspection, not covered by the application fee.
- (b) *Permit duration.* Permits issued under this article shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The town board may extend the period one or more times for up to an additional 180 days. The town engineer may require additional best management practices as a condition of the extension if they are necessary to meet the requirements of this article.
- (c) *Surety bond.* As a condition of approval and issuance of the permit, the town board may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- (d) *Permit conditions.* All permits shall require the landowner to:
- (1) Notify the clerk-treasurer within 48 hours of commencing any land disturbing construction activity.
 - (2) Notify the clerk-treasurer of completion of any best management

practices within 14 days after their installation.

- (3) Obtain permission in writing from the town engineer prior to modifying the erosion and sediment control plan.
- (4) Install all best management practices as identified in the approved erosion and sediment control plan.
- (5) Maintain all road drainage systems, stormwater drainage systems, best management practices and other facilities identified in the erosion and sediment control plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage-ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
- (7) Inspect the best management practices after each rain of 0.5 inches or more and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection and the name of the person conducting the inspection.
- (8) Allow the town engineer, or his designee, to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan.
- (9) Keep a copy of the erosion and sediment control plan at the construction site.

(Code 1982, § 12.23(8))

Sec. 10-370. Erosion and sediment control plan, statement and review.

- (a) *Erosion and sediment control plan.*
 - (1) An erosion and sediment control plan shall be prepared and submitted to the clerk-treasurer.
 - (2) The erosion and sediment control plan shall be designed to meet the performance standards, technical standards and other requirements of this article.
 - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - b. Description of the intended sequence of major activities which disturb soils for major portions of the site, such as grubbing, excavation or grading.
 - c. Estimates of the total area of the site and the total area of the site

that is expected to be disturbed by construction activities.

- d. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - e. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
 - f. Existing data describing the surface soil as well as subsoils.
 - g. Depth to groundwater, as indicated by natural resources conservation service soil information where available, except when permanent infiltration systems are used, the depth to groundwater shall be as outlined in subsection (a)(4) of this section.
 - h. Name of the immediate receiving water named on the appropriate United States Geological Service 7.5 minute series topographic map.
- (4) If permanent infiltration systems are used, the erosion and sediment control plan shall require appropriate on-site testing to be conducted to determine if seasonal high water is within five feet of the bottom of the proposed practice. If permanent infiltration structures are used and there is a municipal well within 400 feet, or a nonpublic well within 100 feet, the groundwater flow shall be identified in accordance with the provisions specified in either Wis. Admin. Code chs. NR 110 or 214.
- (5) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year floodplains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location of major structural and nonstructural controls identified in the plan.
 - f. Location of areas where stabilization practices will be employed.
 - g. Areas which will be vegetated following construction.
 - h. Wetlands, area extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.

- i. Locations of all surface waters and wetlands within one mile of the construction site.
 - j. Alphanumeric or equivalent grid overlying the entire construction site map.
- (6) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall be at the same scale as the site map under subsection (a)(5) of this section and shall clearly show the site changes. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the town engineer, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging construction to limit bare areas subject to erosion.
 - f. Protection of down slope drainage inlets where they occur.
 - g. Minimization of tracking at all sites.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste materials at all sites.
 - j. Stabilization of drainageways.
 - k. Control of soil erosion from dirt stockpiles.
 - l. Installation of permanent stabilization practices as soon as possible after final grading.
 - m. Minimization of dust to the maximum extent practicable.
- (7) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a nonerosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.
- (8) If best management practices cannot be designed to reduce the average

annual sediment load by 80 percent, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attained. Note: The plan requirements of this subsection will meet the plan requirements of Wis. Admin. Code § NR 216.46, when prepared in accordance with good engineering practices and the design criteria, 33 standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision).

- (b) *Erosion and sediment control plan statement.* An erosion and sediment control plan statement shall be prepared for each construction site unless exempted under section 10-364. This statement shall be submitted to the clerk-treasurer. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the section, including the site development schedule.
- (c) *Review of the erosion and sediment control plan.* Within 45 days of receipt of the permit application, erosion and sediment control plan or plan statement and application fee, the town board, with the assistance of the town engineer, shall review the application and the control plan or plan statement to determine if the requirements of this article are met. The town board may request comments from other departments or agencies. If the requirements of this article are met, the town board shall approve the plan or plan statement, inform the applicant and issue a permit. If the conditions are not met, the town board shall inform the applicant in writing and may either require needed information or disapprove the plan or plan statement. Within 30 days of receipt of needed information, the town board shall again determine if the plan or plan statement meets the requirements of this article. If the plan or plan statement is disapproved, the town board shall inform the applicant in writing of the reasons for the disapproval.

(Code 1982, § 12.23(9))

Sec. 10-371. Inspection.

- (a) The town engineer, or his designee shall inspect any construction site that holds a permit under this chapter at least once a month during the period starting March 1 and ending October 31 and at least two times during the period starting November 1 and ending February 28 to ensure compliance with the approved sediment and erosion control plan.
- (b) If land disturbing construction activities are being carried out without a permit required by this article, the town personnel may enter the land pursuant to the provisions of Wis. Stats. §§ 66.122 and 66.123.

(Code 1982, § 12.23(10))

Sec. 10-372. Enforcement.

- (a) The town engineer, or his designee, may post a stop work order if any of the following occurs:
 - (1) Any land disturbing construction activity regulated under this article is being undertaken without a permit.

- (2) The erosion and sediment control plan is not being implemented in a good faith manner.
- (3) The conditions of the permit are not being met.
- (b) If the landowner does not cease activity as required in a stop work order posted under this article or fails to comply with the erosion and sediment control plan or permit conditions within ten days of being notified by the town engineer, or his designee, the town board may revoke the permit.
- (c) If the landowner where no permit has been issued does not cease the activity within ten days of being notified by the town engineer, or his designee, or if a landowner violates a stop work order posted under subsection (a) of this section, the town board may request the town attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The town board or town engineer may retract the stop work order issued under subsection (a) of this section or the permit revocation under subsection (b) of this section.
- (e) Ten days after posting a stop work order under subsection (a) of this section, the town board may issue a notice of intent to the landowner of its intent to perform work necessary to comply with this article. The town may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the town, plus interest at the rate authorized by the town shall be billed to the landowner. If a landowner fails to pay the amount due, the clerk-treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wis. Stats. § 66.0627.
- (f) Any person violating any of the provisions of this article shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction.

(Code 1982, § 12.23(11))

Sec. 10-373. Appeals.

Any aggrieved person may seek review of a determination made by the town engineer, under this article, in accordance with chapter 2, article VII.

(Code 1982, § 12.23(12))