

# Title 15

## BUILDINGS AND CONSTRUCTION

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### Chapter 15.04

## BUILDING AND MECHANICAL CODE

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These regulations are adopted under the statutory authority granted pursuant to Wisconsin Statutes Sections 101.65, 101.651, 101.76 and 101.761 (and by its adoption of village powers under Sections 60.10(2)(c), 10.22(3) and 61.34(1)). (Ord. 97-34 § 11-1-01: prior code § 11-1-01)

#### 15.04.020 Purpose.

The purpose of this chapter is to promote the health, safety and general welfare of the community, to protect property values and provide for orderly, appropriate development and growth of the community. (Ord. 97-34 § 11-1-02: prior code § 11-1-02)

#### 15.04.030 Definitions.

As used in this chapter, the following terms have the meaning prescribed herein:

“Building” means any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children’s play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.

“Building inspector” means the individual(s) or firm appointed by the municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.

“Construction” means any part or portion of the activity of installing, locating, siting, erecting or raising a building.

“Contractor” means any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies and materials.

“Demolition” means the activity of completely or partially destroying a previously erected or constructed building.

“Electrical” means the trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the state or a person under the supervision of such an electrician.

“Garage” means a building which is primarily intended for storage of parked automobiles or equipment.

“HVAC” is an acronym which stands for heating, ventilating and air-conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

“Occupancy” means the act of utilizing a building for habitation by human beings. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence or commercial use shall constitute occupancy.

“Owner” means the individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

“Plumbing” means the trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the state or work under the supervision of such a plumber.

“Stop work order” means a directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project. (Ord. 97-34 § 11-1-03; prior code § 11-1-03)

#### 15.04.040 Scope.

This chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Notwithstanding this section, this chapter shall not apply to children’s play structures. (Ord. 97-34 § 11-1-04; prior code § 11-1-04)

#### 15.04.050 Permit required.

A. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

B. The construction which shall require a building permit includes, but is not limited to:

1. New buildings including agricultural buildings;
2. Additions that increase the physical dimensions of a building including decks;
3. Alterations to the building structure, cost shall include market labor value, or alterations to the building’s heating, electrical or plumbing systems;
4. Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit;
5. Alteration of plumbing, venting, electrical or gas supply systems;
6. Any electrical wiring for new construction or remodeling;
7. Any HVAC for new construction or remodeling;

8. Any plumbing for new construction or remodeling.

C. The following construction activities shall not require a building permit:

1. Re-siding, reroofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the building inspector. Notwithstanding this section, however, a permit accompanied by structural load-bearing calculations shall be required for reroofing a building if the proposed reroofing would constitute a third or more layer of roofing.

2. Normal repairs of HVAC, plumbing and electrical equipment or systems. (Ord. 97-34 § 11-1-04: prior code § 11-1-04)

15.04.060 Adoption of codes.

A. The following chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the municipality and shall be enforced by the building inspector:

1. Ch. COMM 5	Credentials;
2. Ch. COMM 16	Electrical Code;
3. Chs. ILHR 20-25	Uniform Dwelling Code;
4. Chs. ILHR 50-64	Commercial Building and Heating, Ventilating and Air-Conditioning Code;
5. Ch. ILHR 66	Uniform Multi-Family Code;
6. Ch. ILHR 69	Barrier-Free Design;
7. Ch. ILHR 70	Historic Building Code;
8. Chs. COMM 82-87	Uniform Plumbing Code;
9. Chs. ILHR 75-79	Existing Building Code.

B. Any local building codes or requirements other than those contained in this section are repealed. (Ord. 97-34 § 11-1-06: prior code § 11-1-06)

15.04.070 Scope of Uniform Dwelling Code expanded.

For the purposes of this chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

A. Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980;

B. Detached garages greater than two hundred (200) square feet serving one- and two-family dwellings. Grade-beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four inches in thickness. Reinforcement shall be a minimum of six-inch by six-inch, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. (Exempted are “frost-free footings” for detached residential accessory buildings) ILHR 22 shall not apply;

C. With respect to other detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow subsection B of this section and/or ILHR 21. (Ord. 97-34 § 11-1-07; prior code § 11-1-07)

#### 15.04.080 Building-HVAC-electrical-plumbing inspector.

A. Creation and Appointment. There is created the office of building inspector. The building inspector shall be appointed by the municipality. The building inspector shall be certified for inspection purposes by the department in the required categories specified under Wisconsin Administration Code COMM 5.

B. Subordinates. The building inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in Wisconsin Administrative Code COMM 5, by the department.

C. Duties. The building inspector shall administer and enforce all provisions of chapter.

D. Powers. The building inspector or an authorized certified agent of the building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The building inspector 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 inspector or his/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the inspector is authorized to apply for a special inspection warrant pursuant to Wisconsin Statutes Section 66.122.

E. Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable.

1. Footing;
2. Foundation;
3. Rough carpentry, HVAC, electric and plumbing;
4. Driantile/basement floor;

5. Underfloor plumbing;
6. Electric service;
7. Insulation;
8. Final carpentry, HVAC, electric and plumbing;
9. Erosion control.

F. Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the building inspector.

G. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

H. Records. The building inspector shall perform all administrative tasks required by the department under all codes covered in Section 15.04.060. In addition, the inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance. (Ord. 97-34 § 11-1-08; prior code § 11-1-08)

#### 15.04.090 Submission of plans.

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work, existing buildings, elevations and property lines, shall be submitted. A third set of plans may be requested at the discretion of the building inspector for the assessor. The building inspector may require the owner or contractor to submit plans for any construction or demolition project when the building inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes. In addition, the building inspector may require the owner or contractor to submit storm water drainage plans requiring some or all of the information as provided in Section 16.40.040. In addition to the foregoing, upon completion of the project and prior to the issuance of an occupancy permit, the owner or contractor shall submit to the building inspector an "as-built" plot plan showing the completed work, appropriate elevations, including the elevations of the foundations, and property lines. When the owner is required to provide elevations, those elevations shall include, at minimum, the tops of footings, the tops of walls, and finished yard grades. All plans, including the elevations herein required, shall be at the expense of the owner/contractor. All elevation work shall be performed by a state certified surveyor. Footings, foundation walls and yard grades will not be approved until the appropriate elevations have been furnished to the town building inspector and approved by the building inspector. Final occupancy permits shall not be granted until final yard grade elevations are furnished to and approved by the town building inspector. (Ord. 99-16)

#### 15.04.100 Issuance of permit.

A. The inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for two years. Permits may be extended for a specific time frame upon building inspector's approval and payment of appropriate fees.

B. By accepting a permit, the applicant, owner or contractor grants the building inspector the right of access to the real estate on which the permitted construction or demolition will occur.

C. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

D. The building permit issued under this chapter shall be posted in a conspicuous place on or near the building being constructed or in which work of remodeling or addition is being done and where possible, shall be visible at all times from the public road in front of the building. (Ord. 97-34 § 11-1-10: prior code § 11-1-10)

#### 15.04.110 Permit duration.

Building permits issued under this chapter shall remain in effect for a period of twelve (12) months or until final inspection is made and an occupancy permit issued, whichever is shorter, except UDC permits which will be good for two years. If work of construction is terminated for a period of six months, the building permit may be revoked by the building inspector. (Ord. 97-34 § 11-1-11: prior code § 11-1-11)

#### 15.04.120 Unsafe buildings.

Whenever the building inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Wisconsin Statutes Section 66.05(5). (Ord. 97-34 § 11-1-12: prior code § 11-1-12)

#### 15.04.130 Razing and demolition.

A. Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than four hundred (400) square feet in area without having first applied for and obtained a demolition permit from the building inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.



B. Application. An application for a permit to demolish all or part of a building shall include the following information:

1. The name and address of the owner of the building on date of application and, if different, on date of demolition;
2. The name, address and telephone number of the contractor(s) performing the demolition work;
3. The date upon which demolition is to commence;
4. The date by which demolition shall be complete;
5. A list of all hazardous waste and hazardous and toxic substances (as defined by Wisconsin Administrative Code Section NR 158.03(4), as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Wisconsin Statutes Section NR 445.02(2)), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
6. A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
7. A description of the method of demolition to be used; and
8. A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
9. Along with the application for a permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

C. Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

D. Clearing and Leveling the Site.

1. The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the building inspector so as to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

2. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The building inspector, upon notification by the permit holder, the owner or his or her agent, in writing and upon forms provided by the building inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.

3. It is unlawful to fill any such excavation without inspection and approval of the building inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the building inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his or her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. The opinion shall be deemed a sufficient approval by the municipality, provided that a written copy of the opinion is delivered to the clerk at least forty-eight (48) hours before filling of the excavation commences.

E. Removal and Disposal. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the building inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos. (Ord. 97-34 § 11-1-13; prior code § 11-1-13)

#### 15.04.140 Moving buildings.

A. General. No person shall move any building or structure upon any of the public right-of-ways of the municipality without first obtaining permit therefor from the building inspector and upon the payment of required fee. Every such permit issued by the building inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which the moving operations shall be continued.

B. Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the municipality that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty (50) percent or more of its equalized value. No permit shall be granted to repair, alter or move such building within or into the municipality. Furthermore, if the equalized assessed value of the building is not within twenty (20) percent of the surrounding buildings within one thousand (1,000) feet of the parcel where the building is proposed to be moved to, no permit shall be granted unless the building is improved so that its equalized value is within twenty (20) percent of the lowest equalized value of any of the surrounding buildings.

C. Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day, and day-by-day and at night until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

D. Street Repair. Every person receiving a permit to move a building shall, within one day after the building reaches its destination, report the fact to the building inspector who shall thereupon, in the company of the municipal highway commissioner, inspect the streets and highways over which the building has been moved and ascertain the condition. If the removal of the building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of the permittee to do so within ten days thereafter to the satisfaction of the governing body, the body shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his or her bond responsible for payment of same.

E. Conformance With Code. No permit shall be issued to move a building within or into the municipality and to establish it upon a location within the municipality until the building inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that the building is in a sound and stable condition and of such construction that it will meet the requirements of this building code in all respects. A complete plan of all further repairs, improvements and remodeling, with reference to such building, shall be submitted to the building inspector, and the building inspector shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this building code and that when same are completed, the building, as such, will comply with the building code. In the event a building is to be moved from the municipality to some point outside of the boundaries thereof, the provisions, with respect to the furnishing of plans and specifications for proposed alterations to such building, may be disregarded.

F. Bond.

1. Before a permit is issued to move any building over any public way in this municipality, the party applying for the permit shall make a cash deposit to the municipality in a sum, to be fixed by the municipality, which sum shall not be less than five thousand dollars (\$5,000.00). The cash deposit shall be held for indemnification of the municipality for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment, together with the costs or expenses incurred by the municipality in connection therewith, arising out of the removal of the building for which the permit is issued.

2. The bond required by subsection (F)(1) of this section shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the building inspector and reasonably adopted or calculated to prevent the occurrences set forth in this section. The building inspector may waive the timelines in this section if the building inspector, after investigation, determines that the excavation exposed by the removal of such building from its foundation is not so close to a public thoroughfare as to constitute a hazard to persons, particularly, children under twelve (12) years of age.

G. Insurance. The building inspector shall require, in addition to the bond above indicated, public liability insurance covering injury to one person in the sum of not less than five hundred thousand dollars (\$500,000.00) and for one accident, aggregate not less than one million dollars

(\$1,000,000.00), together with property damage insurance in a sum not less than five hundred thousand dollars (\$500,000.00), or such other coverage as deemed necessary.

#### H. Municipality.

1. Before any permit to relocate a building may be issued, the municipality shall examine the application for the permit and approve the application by a majority vote.

2. The application shall include exterior elevations of the building at its proposed new location; accurate photographs of all sides and views of the same; in case it is proposed to alter the exterior of the building, plans and specification of such proposed alterations, and a site plan showing the location of the building on the final resting site.

3. The municipality shall not grant a permit unless the board has taken a view of the building proposed to be moved and of the site at which it is to be located.

4. The municipality may not issue a permit for relocation of a building if it finds that the exterior appearances and design of the building to be moved or moved and altered, will not be consistent with the exterior appearance and design of the buildings already constructed or in the course of construction in the immediate neighborhood, or with the character of the applicable district established by the zoning ordinances of the municipality. No permit shall be granted if the relocation will cause a substantial depreciation of the property values of the neighborhood to which the building is proposed to be relocated.

5. In case the applicant proposed to alter the exterior of the building after moving the same, he or she shall submit, with his or her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall deposit a cash bond of not less than five thousand dollars (\$5,000.00) with the municipality to secure the timely completion of all proposed exterior alterations to the building, as set forth in the plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the municipality.

6. No occupancy permit shall be issued for the building until the exterior alterations proposed to be made have been completed.

7. Whenever an application for relocation of a building is made to the building inspector, the buildings inspector shall request a meeting of the municipality to consider the application. The building inspector shall inform the municipality whether or not the application complies, in all respects, with all other ordinances of the municipality. The municipality may, if it desires, hold a public hearing on the permit. (Ord. 97-34 § 11-1-4; prior code § 11-1-14)

#### 15.04.150 Occupancy permit.

If the building inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, including, but not limited to, any conditions or requirements imposed by the town board of the town, conditions imposed by

Chapter 12.04 of the Code of General Ordinances, conditions imposed by Chapter 8.52 of the Code of General Ordinances, conditions imposed by Chapter 12.12 of the Code of General Ordinances, and conditions imposed by Title 16 of the Code of General Ordinances, then the inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the inspector may issue a temporary occupancy permit for a specified period of time, typically thirty (30) days. No person may have occupancy of a building until an occupancy permit is issued. (Ord. 98-2)

#### 15.04.160 Existing residential structures.

A. No residence within the town which does not have a frost-free foundation shall be substantially remodeled or improved without there being first constructed a frost-free foundation thereunder. "Substantially remodeled or improved" shall mean any work of remodeling, adding to an existing residence, constructing an outbuilding or improving an existing residential structure by the addition of siding, roofing or other like materials, at a cost in excess of one thousand dollars (\$1,000.00). The building inspector may grant a variance from this requirement where, in his or her discretion, the work of improvement is required primarily to make an existing residence safe for human occupancy.

B. Building Size. The required building size for new building shall be as follows:

1. Single-family one-story homes shall have not less than the following ground floor areas:
  - a. One-bedroom: one thousand two hundred (1,200) square feet;
  - b. Two-bedroom: one thousand three hundred (1,300) square feet;
  - c. Three-bedroom: one thousand four hundred (1,400) square feet;
  - d. Four or more bedrooms: one thousand five hundred (1,500) square feet.
2. One and one-half and two-story single-family homes shall have not less than one thousand (1,000) square feet of ground floor area.
3. Single-family split-level homes with three bedrooms or less shall have no less than one thousand one hundred (1,100) square feet of ground floor area.
4. Single-family split-level homes with four or more bedrooms shall have not less than one thousand three hundred (1,300) square feet of ground floor area.
5. In measuring square footage for a split level residence, all areas, without a living area beneath shall be used in computing the first-floor area. Garages and breeze-ways shall not be included in any computation.

6. When the structure shall be composed of living quarters as well as a business area attached thereto, the gross floor space of the living quarters shall be in conformance with subsections (B)(1) through (5) of this section and the business portion of the structure shall contain a minimum of an additional three hundred (300) square feet and the arrangement shall be subject to the approval of the building inspector.

7. Duplexes and multiple-family (more than two-family units) with a full basement shall provide not less than one thousand (1,000) square feet of core living area per family exclusive of hallways, stairways, mechanical rooms, porches, decks, sheds, garages and carports.

8. Duplexes and multiple-family (more than two-family units) shall provide not less than one thousand two hundred (1,200) square feet of core living area per family exclusive of hallways, stairways, mechanical rooms, porches, decks, sheds, garages and carports. (Ord. 99-11; Ord. 99-10; Ord. 99-3; Ord. 97-34 § 11-1-16: prior code § 11-1-16)

#### 15.04.161 Dumping, depositing or disposing of fill prohibited without permit.

A. No person, firm or corporation shall dump, deposit or dispose of any fill or allow any fill to be dumped, deposited or disposed of on any property within the town without the written permission of the town board. For the purposes of this ordinance, “fill” means any solid materials, including , but not limited to, sand, gravel, top soil, dirt, any type of soils, brick, building stone, concrete, reinforced concrete, broken pavement, wood or rocks. An exemption from the prohibition shall apply to the dumping, depositing or disposing of clean and uncontaminated sand, gravel, top soil, or dirt on any property within the town in accordance with the following parameters:

1. Fifty (50) cubic yards or less on property less than one acre;
2. One hundred (100) cubic yards or less on property between one acre in size and two and one-half acres in size;
3. Two hundred (200) cubic yards or less on property between two and one-half acres and five acres in size;
4. Four hundred (400) cubic yards or less on property between five acres and ten acres in size;
5. Eight hundred (800) cubic yards or less on property greater than ten acres in size.

The term “property” shall be established by each separate tax parcel number. The volumes of fill set forth in subsections (A)(1) through (5) of this section are total volumes of material dumped, deposited or disposed of with respect to any given property. Therefore, this ordinance shall bind any predecessors in title with respect to any amounts previously dumped, deposited or disposed of on the property in question. Driveways are exempt and are covered in Chapter 12.12.

B. Any person seeking the permission of the town board to dump, deposit or dispose of any fill or allow the dumping, disposal or depositing of fill on any property within the town, shall apply for a permit by filing an application for such permit with the town board on such form and containing such information as the town board requires. A current and accurate plat of survey, prepared by a land surveyor or engineer licensed to do business in the state of Wisconsin, shall accompany the permit application, and shall include, but not be limited to, the exterior boundaries of the property; all existing planimetric (physical) features on subject site and adjacent properties such as buildings, trees, driveways, culverts, pavement, walks, drainage ditches, power poles, utility pedestals, etc., existing and proposed elevations and existing and proposed contours on subject site and adjacent properties; locations and elevations of existing buildings on adjacent properties and any other information that may be pertinent in determining existing and proposed drainage patterns. The permit applicant shall be responsible for all reasonable costs related to such permit, including, but not limited to, engineering fees, administrative costs, attorney's fees, and such other costs as may be incurred by the town in acting on such permit.

C. There shall be a permit fee of one hundred dollars (\$100.00). The fee shall be paid prior to a permit being granted.

D. Any person desiring to place fill on their property which exceeds the amounts set forth in this section, may make application to the town board for the same, under the terms of subsection B of this section. The town may withhold approval if it determines that fill in addition to the limitations set forth in this section would redirect the natural flow of water; would affect neighboring property owners adversely; would have a negative aesthetic impact; would have a negative public health or welfare impact; or any other reason consistent with the general purposes of this section.

E. All fill projects shall be completed within ninety (90) days of granting of the permit, unless an extension is granted by the board. Completion shall entail placement, grading, landscaping and any other step as may be required according to the approval conditions. An extension may be granted at the time of granting the permit or later, based on a showing of good cause as to why the project cannot be completed within ninety (90) days. Any person requesting an extension shall make application to the board prior to expiration of the existing permit, or a new permit, approval and fee shall be required. Failure to complete the project in timely fashion shall be deemed a violation of this section.

F. Upon completion of any fill project, the property owner shall report the total amount of cubic yards placed on the property. The town clerk shall keep a record of all fill amounts placed on a given property, so that the lifetime, cumulative, maximum limits can be applied. These records shall be public records, open to inspection so that subsequent owners of real estate can be apprised of any remaining limits.

G. This ordinance is adopted by the town board of the town of Dover for the purpose of protecting the health and safety of the citizens of the town and in the interest of providing adequate, safe, and effective drainage of water within the town, preventing unsightly deposit of

materials on property in the town, protection against soil contamination and protection against altering or destroying natural drainage patterns.

H. If any person, firm or corporation is found to be in violation of this section, the town may take any steps necessary to remedy the situation, including entry upon land of the person to remove the offending fill amounts. Such persons shall be liable to the town for any expense incurred by the town or loss or damage sustained by the town by reason of such violation including, but not limited to, attorney's fees, engineer's fees, administrative costs, and such other fees incurred by the town by reason of violation or enforcement of this ordinance.

I. Any person, firm or corporation in violation of this section shall forfeit to the town upon conviction thereof an amount not to exceed five hundred dollars (\$500.00) plus the costs of prosecution and, in default of payment thereof, imprisonment in the county jail for ten days. Each day of violation shall constitute a separate offense. (Ord. 2004-1: Ord. 99-17)

#### 15.04.170 Commercial site plan approval.

A. Site Plan Approval and Plan of Operations. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences and accessory buildings and structures in residentially zoned districts, shall require site plan approval by the plan commission in accordance with the requirements of this section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the plan commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.

B. Administration. The building inspector, or his or her designee, shall make a preliminary review of the application and plans requiring site plan review and refer them along with a report of his or her findings to the plan commission. The plan commission shall review the application and may refer the application and determine whether the application and plans meet all the requirements applicable thereto in this chapter. Within thirty (30) days of its receipt of the application, the plan commission shall authorize the building inspector, or his or her designee, to issue or deny a building permit.

C. Requirements. In acting on any site plan, the plan commission shall consider the following:

1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas;

2. The layout of the site with regard to entrances and exits to public streets; the arrangements and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby;



3. a. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal. The drainage plans shall indicate surface water drainage before and after the construction by using contours or point elevations as required by the town engineer. The design criteria for commercial building sites shall follow Section 16.40.040 for minor drainage systems.

b. Minimum culvert size is fifteen (15) inches diameter. Larger culvert sizes shall be reviewed and determined by the town engineer following Section 16.40.040. The minimum culvert length shall be twenty (20) feet and maximum length shall be forty (40) feet.

4. The landscaping and appearance of the completed site. The plan commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this section.

5. Erosion control plan and permit shall be submitted following Chapter 16.44 for all new commercial building and additions.

D. Effect on Public Services. Before granting any site approval, the plan commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the building inspector, or his or her designee, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the plan commission shall not issue the final approval until the town has entered into an agreement with the applicant regarding the development of such facilities.

E. Appeals. Denials of building permits contingent upon site plan approval may be appealed to the town board by filing a notice of appeal with the town clerk within seven days of the denial. (Ord. 97-34 § 11-1-17; prior code § 11-1-17)

15.04.180 Certified municipality status.

The town has adopted a certified municipality status as described in Wisconsin Administrative Code ILHR 50.21. (Ord. 97-34 § 11-1-18; prior code § 11-1-18)

15.04.190 Addresses to be conspicuously displayed.

The address of each and every house and building located on any street, alley, highway or avenue in this town shall be conspicuously placed immediately above, on or at the side of the proper door of each such building so that the number can be seen from the public way. Whenever the building is situated more than fifty (50) feet from the street line, the number of such building shall be conspicuously displayed in an appropriate place so as to be easily discernible from the public way. (Ord. 97-34 § 11-1-19; prior code § 11-1-19)

15.04.200 Property maintenance regulations.

A. Scope. These standards apply to all structures located in a residentially zoned area and to all structures and sites used for residential purposes but zoned for other uses.

B. Minimum Standards. It is unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this code.

C. Foundations, Exterior Walls and Roofs. The foundation shall be substantially water tight, frost-free and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially water tight, weather tight, protected against rodents, kept in good condition and repair and shall be free of deterioration, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior spaces of the dwelling. All exterior wood surfaces shall be protected by paint, stain or other water and weather-resistant treatment. Every roof shall be water tight, weather tight, kept in good condition and repair and have no dangerous defects. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintel, sills and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.

D. Windows, Doors and Hatchways. Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water in to the building or structure.

E. Stairs and Porches. Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free from deterioration with every rail and balustrade firmly fastened and maintained.

F. Chimneys. Every chimney and chimney flue shall be in good and safe condition and repair.

G. Grading and Drainage of Lots. Every yard, court driveway or other portion of the lot shall be graded or drained so as do prevent the accumulation of stagnant water on any such surface; however, such water may not be directed to other property in a manner which creates a nuisance. Driveways shall be maintained in good condition and repair.

H. Infestation. Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in that instance the owner shall also be responsible for extermination of the infestation.

I. Refuse, Garbage and Rubbish Storage Requirements. Every building or other structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials in a manner which may provide harborage for rodents or vermin.

J. Accessory Structures. Every accessory structure shall be kept in good condition and repair, shall not obstruct access of light or air to doors or windows, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures which are in deteriorated condition and which are not repairable shall be removed.

K. Maintenance of Property Complaint. Complaints alleging a violation of this chapter shall be commenced by service of written notice of noncompliance upon the property owner. The form for such written notice shall be available from the town clerk and the town building inspector. (Ord. 97-34 § 11-1-20: prior code § 11-1-20)

#### 15.04.210 Exterior finish required.

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tarpaper or similar material is not acceptable. (Ord. 97-34 § 11-1-21: prior code § 11-1-21)

#### 15.04.220 Maintenance of yards.

During construction or demolition, yards shall be kept free of weeds, construction debris and trash. Open storage of nonlicensed or disabled vehicles shall not be allowed unless approved by the municipality. Contractors and owners shall use their best efforts to prevent soil erosion, diversion of surface water or damage to adjoining property. (Ord. 97-34 § 11-1-22: prior code § 11-1-22)

#### 15.04.230 Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the municipality as per Exhibit A following this chapter. If work commences prior to permit issuances, the permit fee shall double. (Ord. 97-34 § 11-1-23: prior code § 11-1-23)

#### 15.04.240 Violations and penalties.

A. Prohibition. No person, entity or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this chapter.

B. Every person, firm or entity which violates this chapter shall, upon conviction, forfeit not less than fifty dollars (\$50.00) nor more than two thousand five hundred dollars (\$2,500.00) for each day of noncompliance, together with the costs of prosecution.

C. Violations discovered by the building inspector shall be corrected within thirty (30) days, or more if allowed by the inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the building inspector.

D. Compliance with the requirements of this chapter is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this chapter shall constitute a public nuisance which may be enjoined in a civil action. (Ord. 97-34 § 11-1-24: prior code § 11-1-24)

#### 15.04.250 Stop work orders.

A. If any work of construction or remodeling is commenced in the town before a building permit is obtained, or if violations of the building code are communicated to the contractor or owner of a building in the process of being built or remodeled and such violations are not corrected within the time prescribed, the building inspector or constable shall personally serve a stop work order upon the permit holder, the owner of the property, the contractor or the representative of either.

B. The order shall prohibit any use, occupancy or work on the premises, except that which is reasonably necessary to correct existing violations, until such time as the building inspector determines that the violations have been corrected.

C. A notice of the stop work order shall be posted in a conspicuous place on the premises and shall indicate in general terms the nature of the violation or violations and shall be signed by the building inspector.

D. The notice shall not be moved or removed from the premises by anyone other than the building inspector without his or her express written authorization. Notwithstanding any other provision of this chapter, and in addition to any other penalties provided in this chapter, any person violating this Section 15.04.250 shall be subject to a forfeiture of three hundred dollars (\$300.00), together with the costs of prosecution. (Ord. 97-34 § 11-1-25: prior code § 11-1-25)

#### 15.04.260 Variance.

The municipality shall hear requests for variances from the building code to the extent the municipality has authority to hear and grant variances. The municipality shall approve, conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires. (Ord. 97-34 § 11-1-26: prior code § 11-1-26)

#### 15.04.270 Appeals.

Any person feeling aggrieved by an order of the building inspector may, within twenty (20) days thereafter, appeal from such order to the town board. The municipality will follow procedures explained on Wisconsin Statutes Chapter 68, to arrive at a final determination. Final

determinations may be reviewed as explained in Wisconsin Administrative Rules ILHR 20.21. (Ord. 97-34 § 11-1-27: prior code § 11-1-27)

15.04.280 Disclaimer and nonliability for damages.

This chapter shall not be construed as an assumption of liability by the municipality or the building inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment. (Ord. 97-34 § 11-1-28: prior code § 11-1-28)

15.04.290 Severability.

If any section or portion of this chapter shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion of this chapter directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions of this chapter. The remainder of this chapter shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this chapter are repealed as to those terms that conflict. (Ord. 97-34 § 11-1-29: prior code § 11-1-29)

EXHIBIT A

**A. RESIDENTIAL: 1 and 2 Family**

1. New Structure:	.02 per square foot all area for plan review .08 per square foot all area for inspection fees
Erosion Control:	\$100.00 (includes final driveway and drainage inspection)
2. Additions:	\$75.00 minimum for the first 600 square feet then see A.1. for New Structure rates
Erosion Control:	\$50.00
3. Remodel:	\$5.00 per M of valuation \$40.00 minimum
4. Accessory Structure:	
A. Up to 150 square feet:	\$30.00
B. 150 square feet to 600 square feet:	\$40.00
C. Over 600 square feet:	use New Structure rates
5. Occupancy Permit:	included in above fee

6. Temporary Occupancy Permit:	\$50.00
7. Other:	\$25.00 minimum

**B. COMMERCIAL**

1. New Structure:	.02 per square foot all area for plan review .08 per square foot all area for inspection fees
Erosion Control:	\$175.00 for the first acre then \$75.00/acre or portion thereof
2. Additions:	\$75.00 minimum for the first 600 square feet then see B.1. for New Structure rates
Erosion Control:	\$175.00 for the first acre then \$75.00/acre or portion thereof
3. Remodel:	\$5.00 per M of valuation \$75.00 minimum
4. Occupancy and Change of Use Permit:	\$50.00
5. Temporary Occupancy Permit	\$50.00
6. Other:	\$25.00 minimum

**C. AGRICULTURAL BUILDINGS (unheated)**

1. New Buildings:	.01 per square foot all areas for plan review .03 per square foot all areas for inspection fees
2. Remodel:	\$5.00 per M of valuation \$40.00 minimum
3. Other:	\$25.00 minimum

**D. MECHANICAL AND MISCELLANEOUS**

1. Plumbing:	See Attached Exhibit 2
2. Electrical:	See Attached Exhibit 3

3. HVAC:	See Attached Exhibit 4
4. Planning:	See Attached Exhibit 5
5. Pools:	\$40.00 each
6. Special inspections, complaint inspections, pre-existing permit inspections and any other duties shall be at an hourly rate with a minimum of 1 hour.	
7. Permit to start construction of footings and foundation:	\$50.00 \$75.00
Residential:	
Commercial-Industrial:	
8. Razing Fee:	
	\$25.00 for the first 2,000 square feet of floor area with no utilities and \$10.00 per 1,000 square feet of floor area thereafter
	\$50.00 for the first 2,000 square feet of floor area with utilities and \$25.00 per 1,000 square feet of floor area thereafter
9. Minimum Permit Fee:	\$25.00
Reinspection Fee:	\$25.00 each
Failure to call for inspection:	\$25.00 each
Double fees are due if work started before the permit is issued.	
10. State Seal:	\$30.00

**E. DRAINAGE SITE EVALUATION**

1. 1 and 2 Family Structures, Site Evaluation for lots created prior to	\$200.00
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August 14, 1997:	
2. Commercial Structures, Plan Review and Inspections at Hourly Rate:	\$200.00 minimum

(Ord. 99-9 Exh. A; Ord. 97-34 Exh. A)

## Chapter 15.08

### PLUMBING CODE

#### Sections:

- 15.08.010 Adoption of Wisconsin State Plumbing Code and Statutes.
- 15.08.020 Plumbing inspector.
- 15.08.030 Permits.
- 15.08.040 Fees.
- 15.08.050 Notice for house sewer inspection.
- 15.08.060 Notice for final inspection.
- 15.08.070 Bond and insurance.
- 15.08.080 Street openings.
- 15.08.090 Violations—Penalties.
- 15.08.010 Adoption of Wisconsin State Plumbing Code and Statutes.

A. The provisions of the plumbing code, Wisconsin Administrative Code, Chapters ILHR 81 through ILHR 85 of the Department of Industry, Labor and Human Relations, and all amendments and additions thereto in effect at any time hereafter, are incorporated by reference with the same force and effect as though set forth at length; provided, however, if there shall be any conflict between the provisions of these sections or other ordinances of the town and the



plumbing code at any time, that provision shall govern which requires the maximum of compliance or is more restrictive. The provisions thereof and of these sections shall govern all plumbing as defined and no plumbing shall be installed except in accordance with the plumbing code and these sections.

B. The provisions of Section 145.060 of the Wisconsin Statutes (1985-86), and as it is amended from time to time, are incorporated by reference as though set forth in length, provided that all plumbing work done with respect to connecting any building whether commercial, residential, industrial or otherwise to the sewer system of the sewer utility district and of disconnecting and filling existing septic tanks shall be done under the direction of a master plumber, duly licensed by the Wisconsin Department of Health and Social Services or such other department with jurisdiction over licensing of plumbers.

C. The permits required for the installation and completion of such plumbing work shall be issued only to duly licensed master plumbers. (Prior code § 5.01(4))

#### 15.08.020 Plumbing inspector.

A. Plumbing Inspector Authorized. To enforce the provisions of this chapter, there is authorized the office of plumbing inspector. The plumbing inspector shall, under the direction of the town board, have control of the inspection of plumbing, drainage installation from street main, curb, or other terminal, and installations inside and in sewer connections with any building as set forth in this chapter.

B. Qualifications. The plumbing inspector shall be a practical plumber, skilled sanitarian or a competent person familiar with plumbing. The plumbing inspector shall not be interested directly or indirectly in the plumbing or drain laying business and shall devote as much time as is necessary to insure full compliance with the provisions of this chapter.

C. Appointment, Term and Salary. The plumbing inspector shall be appointed by the town board chairperson, subject to confirmation by the town board, for a term of one year or until his or her successor shall be duly appointed and qualified, at such compensation as shall be established by the town board.

D. Removal. The plumbing inspector shall hold office during his or her term, except that the town board may at any time remove from office the plumbing inspector for insufficiency, neglect of duties or malfeasance in office.

E. Deputy Plumbing Inspectors. The town board may, from time to time, for such length of time as it deems advisable, employ one or more deputy plumbing inspectors and such other assistants for the plumbing inspector as they may deem necessary and may discharge any of the same at will and pay them such compensation as shall be established by the town board. During the absence or inability to act of the plumbing inspector, the town board chairperson shall, subject to confirmation by the town board, appoint any such deputy plumbing inspector acting plumbing inspector.

F. Requirements, Authorities and Duties. The town board may require any and all of the plumber inspector, deputy plumbing inspector and assistants to furnish such bonds in such amounts for the faithful performance of their duties as it deems advisable. The plumbing inspector, under the direction of the town board, is authorized and empowered to exercise such supervision over all plumbing installations as may be necessary to enforce the provisions of this chapter, the state law, and the plumbing code issued by the Wisconsin Department of Health and Social Services or such other department with jurisdiction over such matters, and to make all plumbing safe and sanitary and to promote public welfare in all classes of buildings, private and public. The plumbing inspector shall have the right to enter any building in any reasonable hours in the discharge of his or her official duties. The plumbing inspector shall prepare suitable forms for the applications and permits required and keep copies for reference. The plumbing inspector shall file a monthly and yearly report with the town board. Defects revealed during inspection shall be set forth in detail in writing and a copy thereof shall be given to the permit holder. The plumbing inspector shall be under the direct supervision of the town board and shall enforce all the provisions of this chapter. The plumbing inspector is authorized to withhold approval of any application for a plumbing permit to any person who has not complied with a lawful order of the plumbing inspector. The person refused such a permit may appeal within ten days to the town board. The plumbing inspector shall also notify the commission of all permits issued in areas serviced by the commission. (Prior code § 5.01(5))

#### 15.08.030 Permits.

A. No person, firm or corporation shall do any plumbing until after a permit therefor has been taken out with the plumbing inspector. Before a permit to install plumbing may be issued, a plot plan of the premises upon which the plumbing is to be installed shall have been approved by the building inspector and plumbing inspector.

B.1. The application forms for permits shall be furnished by the plumbing inspector. The forms shall contain an accurate description of the property, of the name of the street to be opened and between what streets, and all purposes for which the plumbing is to be used.

2. No permit shall be deemed to authorize anything not stated in the application. These applications shall be signed by either the owner or his or her authorized agent who shall be a master plumber and, where the work is not to be performed by the owner in person, by the person who is to perform the work.

C. A plan must be submitted with the application for a permit, such plan to include a clear description of the plumbing.

D. All plans must be approved or rejected within five days of the time they are submitted to the plumbing inspector.

E. No permit shall be issued unless the plans are approved and the application is properly made out. No permit shall be issued unless the lot on which a system or private disposal is to be installed is adequate to install such a system in full compliance with Wisconsin Administrative Code Section H62.20 or such other rules and regulations of the state applicable to such

installation. This restriction shall apply to plumbing to be installed in buildings in existence on the effective date of this chapter as well as new construction.

F. A permit shall become void in the event that the plumbing work shall not have been commenced within three months of the date of the permit, and may be voided at the request of the permit holder. (Prior code § 5.01(6))

#### 15.08.040 Fees.

A. Before a permit is granted under Section 15.08.030, the applicant shall pay to the plumbing inspector the permit fee prescribed in this section. The schedule of permit fees to be paid shall be as follows, which fees shall be paid at the time the permit is issued:

1. Each plumbing fixture or water connected appliance: two dollars (\$2.00);
2. The minimum fee for any permit: five dollars (\$5.00);
3. Each extra inspection required to inspect corrections: five dollars (\$5.00).

If a building is occupied before a final inspection is made, an additional fee of fifteen dollars (\$15.00) shall be paid by the permit holder thereof; if any plumbing work is done prior to the issuance of a permit therefor, the permit fee shall be double the amount that would otherwise be payable by this section.

B. All money received under these sections shall be paid weekly to the town treasurer or his or her designee. (Prior code § 5.01(7))

#### 15.08.050 Notice for house sewer inspection.

A. The plumbing inspector and the designee of the sewer utility commission shall be notified whenever any house sewer work from main to curb to building is ready for inspection, and all work, except when otherwise permitted by the inspector and the designee of the sewer utility commission, must be left uncovered for examination until so examined and approved. All notifications of this kind must specify the correct location of the premises and the permit number of the job.

B. All tile or concrete house sewers shall comply with state code.

C. The first two feet of backfilling must be done in a careful manner so as not to break any joints. (Prior code § 5.01(8))

#### 15.08.060 Notice for final inspection.

Notice for final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed, and after the installation is considered ready for use, shall be given by the person to whom the permit was issued, within forty (40) hours of such

completion. The final inspection shall be made with the water supply serving the plumbing system turned on for such test purposes. The plumbing inspector shall furnish the person to whom the permit was issued with a certificate of inspection. (Prior code § 5.01(9))

#### 15.08.070 Bond and insurance.

Before a permit is granted under Section 15.08.030, the applicant therefor shall execute to the town and have on file with the plumbing inspector a bond of undertaking and certificate of insurance approved by the town building inspector as follows:

A. A bond of undertaking in the sum of ten thousand dollars (\$10,000.00), conditioned to hold the town harmless from all damages to and loss of property of the town and any expenses arising therefrom, which may be incurred by the town by reason of such plumbing or drain laying by the applicant or his or her contractors, servants, agents or employees. The bond shall specifically cover damages to the public roads of the town or sanitary sewer system of the sewer utility district and expenses arising therefrom, by reason of such plumbing or drain laying.

B. Liability insurance with limits of at least five hundred thousand dollars, (\$500,000.00) five hundred thousand dollars (\$500,000.00) for personal injury and one hundred thousand dollars (\$100,000.00) for property damage. The certificate of insurance shall provide that the insurance policy may not be cancelled or otherwise terminated without at least ten days prior notice to the town.

C. For purposes of this section, “town” shall include the sewer utility district to the extent of its interest, and any amount paid with respect to the interests of the sewer utility district shall be remitted to the sewer utility district. (Prior code § 5.01(10))

#### 15.08.080 Street openings.

A. No openings in streets, alleys or other public ways to install plumbing will be permitted when the ground is frozen, except when necessary and unless a permit is obtained. In opening any street or other public way, all materials for paving or ballasting shall be removed with the least possible injury or less and together with the excavated material from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and admit of free passage of water along the public way.

B. All openings made in the public streets or alleys in accordance with permission given pursuant to this chapter shall be enclosed with sufficient barriers, and red lamps shall be maintained upon the same at night and all other necessary precautions shall be taken to guard the public against accidents from the beginning to the completion of the work. Sewers and drains may be laid only on condition that the excavator or plumber is bonded as required in this chapter for all damages that may result from his or her neglect of necessary precaution against all accidents to persons or property of others.

C. In opening a trench in any street or lot, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, must be replaced in precisely the same condition

and relation to the remainder as it was before. Any clay cinders or other material removed from under the road should be replaced with stone, pea gravel or other material approved by the plumbing inspector. All rubbish must be removed at once, leaving the street or sidewalk in perfect repair and must be so maintained for a period of one year thereafter. All gas, water and electric lines or conduits must be protected from injury or settling in a manner approved by the plumbing inspector and the designee of the sewer utility commission.

D. When any excavation is made in a permanently paved road or street or in any road or street which is to be permanently paved, all clay or hard pan must be removed and the excavation entirely backfilled with sand or gravel thoroughly wet and consolidated. Any tunnel dug in such road or street shall be backfilled with stone chips in a manner approved by the plumbing inspector. (Prior code § 5.01(11))

#### 15.08.090 Violations—Penalties.

Any person who shall violate any of the provisions of this chapter shall, upon adjudication to that effect, forfeit to the town not less than the sum of fifty dollars (\$50.00) nor more than the sum of five hundred dollars (\$500.00), as determined by the court in the action for the collection thereof, together with the costs of such action and, in default of payment thereof, in the case of an individual, shall be imprisoned in the county jail for Racine County, for such time, not exceeding ten days, as such court shall determine, unless the judgment is sooner paid. In the case of a person other than an individual, any party or official thereof, may be so imprisoned. Each day or part thereof upon which any such violation occurs shall be deemed a separate violation. (Prior code § 5.01(28)(part))

#### Chapter 15.12

### ABATEMENT OF DANGEROUS BUILDINGS

#### Sections:

15.12.010 Razing or removal of dilapidated buildings.

15.12.010 Razing or removal of dilapidated buildings.

A. Notwithstanding the provisions of this Title 15, if the building inspector shall determine that there exists a building or structure so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use as provided in Section 8.36.040G he or she shall forthwith convey this determination to the town board in writing.

B. Upon receipt of such a determination, the town board shall give notice of determination to the owner of the premises upon which the building or structure is located. The notice shall contain the following information:

1. The street address or legal description of the premises;
2. A statement setting forth in detail the determination of the building inspector;
3. That a hearing on the question of whether an order should issue requiring the building to be repaired, razed or vacated, pursuant to Wisconsin Statutes Section 66.05, will be held before the town board, giving the time and place of such hearing. The hearing will be not less than twenty (20) days following the service of the notice on the owner;
4. That the owner of the affected premises shall have an opportunity to be heard and to present witnesses in opposition to the issuance.

C. The notice shall be served on the owner of record or his or her agent, where an agent is in charge of the building, and upon the holder of any encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or a holder of an encumbrance of record cannot be found, the notice shall be served by posting it on the main entrance of the building and by publishing it as a class 1 notice pursuant to Wisconsin Statutes Chapter 985.

D. A hearing on the matter shall be held before the town board not less than twenty (20) nor more than forty-five (45) days after service of the notice. Upon consideration of the report of the inspecting officer, all information presented by the owners of the property and any other information which it deems relevant, the board shall determine whether or not to issue an order requiring the repair, razing or removal of the building or structure in question.

E. Any such order issued by the board shall specify a time within which the owner shall comply therewith and specify repairs, if any.

F. The order shall be deemed served when made, unless the owner of the property did not appear at the hearing, in which case, the order shall be served in accordance with the provisions of Section 8.28.040C.

G. In the event that the owner fails or refuses to comply with the order within the time provided, the building inspector, or other person designated by the town board, shall cause the building or structure to be razed and removed, or closed if unfit for human habitation, occupancy or use. The cost of the razing and removal or closing shall be charged against the real estate upon which the building is located and shall be a lien upon such real estate and shall be assessed and collected as a special tax. (Ord. 97-28 § 7.06(4)(c): prior code § 7.06(4))

## MOBILE HOME PARKS

### Sections:

- 15.16.010 Intent.
- 15.16.020 Scope.
- 15.16.030 Definitions.
- 15.16.040 Adoption of Wisconsin Administrative Code Chapter HSS-177.
- 15.16.050 License and revocation or suspension thereof.
- 15.16.060 License and monthly mobile home fee.
- 15.16.070 Mobile home park plan.
- 15.16.080 Water supply.
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- 15.16.100 Plumbing.
- 15.16.110 Solid wastes.
- 15.16.120 Management.
- 15.16.130 License.
- 15.16.140 Violations—Penalties.
- 15.16.010 Intent.

It is the intent of this chapter to provide for the regulation, licensing, and inspection of mobile home parks within the town in accordance with Wisconsin Administrative Code Chapter HSS-177. (Prior code § 8.12(1))

- 15.16.020 Scope.

A. Applicability. The provisions of this section shall apply to the owner and to the operator, if other than the owner, of any mobile home park as hereafter defined.

B. Relief. When strict adherence to these regulations is shown to be impractical by proof satisfactory to the licensing authority, the licensing authority may approve modifications as needed consistent with the intent hereof, to safeguard public health, safety, and welfare, subject, however, to the provisions of Section 15.16.040. (Prior code § 8.12(2))

#### 15.16.030 Definitions.

As used in this chapter, the following terms are defined:

“Approved” means acceptable to the town, based on its determination as to conformance with appropriate standards and good public health practices and subject to the further provisions incorporated in Section 15.16.040.

“Basic unit” means the mobile home, excluding hitch, awnings, cabanas, storage unit, carport, windbreak, nonwinterized porch, or similar appurtenant structures.

“Licensing authority” means the town.

“Mobile home” means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. “Length of a mobile home” means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. “Width of a mobile home” means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

“Mobile home park” means any plot or plots of ground owned by a person, state or local government upon which two or more units, occupied for dwelling or sleeping purposes regardless of mobile home ownership, are located, and whether or not a charge is made for such accommodation.

“Mobile home park management” means the person legally responsible for the operation of the park.

“Person” means an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or their agent, heir or assign.

“Site” means a plot of ground within a mobile home park designed for placement of one mobile home. (Prior code § 8.12(3))

#### 15.16.040 Adoption of Wisconsin Administrative Code Chapter HSS-177.



The provisions of Wisconsin Administrative Code Chapter HSS-177, in effect at the adoption of this chapter and all subsequent amendments thereto, are adopted by reference and the Wisconsin Department of Health and Social Services, Division of Health, shall have the power to grant variances thereto, which must be in writing, subject to the approval and acceptance of the town. The town shall have the power to grant variances to portions of this section which are more restrictive than the provisions of Wisconsin Administrative Code Chapter HSS-177, if such town variance complies with the requirements of the applicable provisions of Wisconsin Administrative Code Chapter HSS-177 or a written variance to Wisconsin Administrative Code Chapter HSS-177 granted by the Department of Health and Social Services, Division of Health. (Prior code § 8.12(14))

15.16.050 License and revocation or suspension thereof.

A. It is unlawful for any person to maintain or operate within the limits of the town any mobile home park unless such person shall first obtain from the town a license therefor. All such parks in existence on August 9, 1953 shall be licensed under this chapter and shall, in all other respects, comply fully with the requirements of this chapter, except that the licensing authority shall, upon application of a park operator, waive such requirements that require prohibitive reconstruction costs if such waiver does not affect sanitation requirements of the town, or create or permit to continue any hazard to the welfare and health of the community and the occupants of the park.

B. Any license granted under the provisions of this chapter shall be subject to revocation or suspension for cause by the town board that issued such license upon complaint filed with the clerk of the town signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint, provided that the holder of such license shall be given ten days' notice in writing of such hearing, and he or she shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the town board may, within twenty (20) days of the date of such revocation or suspension, appeal therefrom to the circuit court of the county in which the trailer camp or mobile home park is located by filing a written notice of appeal with the town clerk, together with a bond executed to the town in the sum of five hundred dollars (\$500.00) with two sureties or a bonding company approved by the clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him or her. (Prior code § 8.12(4))

15.16.060 License and monthly mobile home fee.

A. Each licensee shall pay an annual fee to the town clerk in advance for each calendar year or fraction thereof of one hundred dollars (\$100.00) for each fifty (50) spaces or fraction thereof within each mobile home park within the town limits, except where the park is in more than one municipality the fee shall be in such fraction as the number of spaces in the park within the town bears the entire number of spaces in the park.

B. Each transferee shall pay a fee of ten dollars (\$10.00) in advance to the town clerk for transfer of any license.

C. In addition to the license fee provided in subsections A and B of this section, the town shall collect from each occupied mobile home occupying space or lots in a mobile home park in the town a monthly parking permit fee computed as follows: beginning January 1, 1980, the town assessor shall determine the total fair market value of each occupied mobile home in the town subject to a monthly parking permit fee. The fair market value, minus the tax exempt household furnishings thus established, shall be equalized to the general level of assessment on other real and personal property in the town. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1st assessment of general property. The parking permit fee shall first be reduced by the credit allowed under Section 79.10 of the Revised Statutes of the State of Wisconsin. The total annual parking permit fee thus computed shall be divided by twelve (12) and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to an occupied mobile home moving into the town any time during the year. The park operator shall furnish information to the town clerk and the town assessor on occupied mobile homes added to his park within five days after their arrival, on forms prescribed by the state of Wisconsin Department of Revenue. As soon as the town assessor receives the notice of an addition of an occupied home to a park, he or she shall determine its fair market value and notify the town clerk of his or her determination. The town clerk shall equalize the fair market value established by the town assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by twelve (12) and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the occupied mobile home remains in the town. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation established shall be subject to review as are other values established under Chapter 70 of the Revised Statutes of the State of Wisconsin. If the board of review reduces a valuation on which previous monthly payments have been made, the town shall refund past excess fee payments. The monthly parking fee for mobile home owners within a mobile home park shall be paid by the mobile home owner to the licensee (mobile home park operator) on or before the tenth day of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile if the mobile home and automobile bear license plates issued by any other than the state of Wisconsin for an accumulating period not to exceed sixty (60) days in any twelve (12) months or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the town treasurer of the licensing authority from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in the state, there shall be no exemption from the monthly parking permit fee. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein as well as the owner and occupant thereof.

D. The monthly parking permit fee shall be collected by the licensee (mobile home park operator) from each mobile home owner in the mobile home park of the licensee, required to pay such permit under this chapter and shall remit the fees to the town treasurer forthwith.

E. The fee for a mobile home located outside of a licensed park shall be paid by the owner of the mobile home, the occupant thereof, or the owner of land on which it stands, the same as and

in the manner provided for mobile homes located in a mobile home park, and the owner of such land shall be required to comply with the reporting requirements of subsection C of this section, provided that the fee shall be paid directly to the town treasurer on or before the tenth day of the month following the month for which such parking permit is due.

F. This section shall not apply where a mobile home park is owned and operated by any county under the provisions of Section 59.07(13)(b) of the Revised Statutes of the State of Wisconsin.

G. Failure to timely pay the tax under this chapter shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Revised Statutes of the State of Wisconsin. (Prior code § 8.12(5))

#### 15.16.070 Mobile home park plan.

A. General. Every mobile home and mobile home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm and other waters. No mobile home or mobile home park shall be located in any area that is situated so that drainage of contaminated liquids or solids can be deposited on its location.

#### B. Site.

1. Each site shall be clearly defined or delineated. The basic unit shall not occupy in excess of one-fourth of the area of the site, and the complete unit, local including all accessory structures, shall not occupy more than one-half of the area of the site. Mobile home parks which, at the time of the adoption of these regulations, existed lawfully with mobile home sites that do not comply with the foregoing minimum area requirements may continue to operate. Expansion and modification of such mobile home parks shall, however, be in accord with current regulations.

2. Each unit shall be located on a lot of not less than five thousand (5,000) square feet with a minimum width of forty-five (45) feet. The unit shall be so located on a site that there shall be at least a twenty-foot clearance between basic units. No unit shall be located closer than ten feet to any building within the park or to any property line of the park. No unit shall be located less than twenty-five (25) feet from the right-of-way line of a highway or ten feet to the right-of-way line of a public street or internal private street system of the park. Each lot shall contain a parking space upon which the unit shall be situated, which parking space shall be graveled or paved with concrete or bituminous material. Each such parking space shall be not less than ten feet wide, nor shorter than the length of the unit to be parked thereon plus five feet.

3. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard in addition to all other required yards and open spaces which shall not be less than fifteen (15) feet wide and permanently planted in grass, flowers, shrubs, or trees.

#### C. Street.

1. All sites shall abut upon a street having a width of at least thirty-six (36) feet, either graveled or paved with concrete or bituminous material.

2. All streets and driveways shall be maintained in good condition, have natural drainage, and shall be lighted at night to a minimum of five foot candles.

D. Parking. There shall be parking spaces for automotive vehicles provided within each park, surfaced with gravel, concrete or bituminous material in the ratio of two such parking spaces for each unit site. Each automobile parking space shall be not less than nine feet wide, nor one hundred sixty (160) square feet in area, exclusive of maneuvering and access space.

E. Recreational Area. Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each fifty (50) sites or fraction thereof. The minimum area in a park shall be one-half acre. (Prior code § 8.12(6))

#### 15.16.080 Water supply.

An adequate supply of pure water for drinking and domestic purposes shall be provided in an amount sufficient to care for the needs of the maximum number which can be accommodated in such park and shall be installed in compliance with the town plumbing and well codes and shall meet the applicable requirements of the Department of Natural Resources as set forth in Wisconsin Administrative Code Chapters NR-108, 111, 112 and 114 and any amendments thereto. (Prior code § 8.12(7))

#### 15.16.090 Sewage disposal.

A. Service Availability. The requirements covering the sewage disposal facilities for all mobile home parks are based upon the availability of public utilities as well as the practicability of connection thereto.

B. Public Utilities. When acceptable public sewage facilities are available to the mobile home park, connection and use are required.

#### C. Private Sewage Disposal.

1. Private sewage disposal systems are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and be designed and constructed in accordance with Wisconsin Administrative Code Chapter ILHR-83.

2. Plans and installation details covering the design and construction, alteration and/or extension of private sewage disposal systems shall be approved by the section of plumbing and fire protection systems of the Department of Health and Social Services prior to construction.

3. Sufficient area of suitable soils for the initial soil absorption system and one replacement system, of adequate size to serve the ultimate number of sites to be provided, shall be available in the park. (Prior code § 8.12(8))

15.16.100 Plumbing.

A. General. All plumbing shall meet the requirements contained in Wisconsin Administrative Code Chapter ILHR-82 applicable to mobile homes and mobile home parks.

B. Water Connection. A separate valved water service shall extend to each site. (Prior code § 8.12(9))

15.16.110 Solid wastes.

A. Garbage. All garbage which is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in separate, leakproof, nonabsorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects located within one hundred (100) feet of any site, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

B. Cleanliness. Garbage cans should be washed each time they are emptied unless provided with a single-service sanitary removable waterproof liner.

C. Restriction. The use of wooden or paper containers for garbage is prohibited.

D. Rubbish. Fly-tight containers with covers are required for cans, bottles and other rubbish. The contents shall be disposed of as often as necessary to prevent overflow. (Prior code § 8.12(10))

15.16.120 Management.

A. Office. The park management shall maintain an office in the park or in close proximity thereto for immediate communication.

B. Duties—Owner. It is the duty of the mobile home park owner or operator, together with any attendants or persons in charge of a mobile home park, to:

1. Keep a register, which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate state and local officials, of all owners of mobile homes located in the park;

2. Maintain the mobile home park in a clean, orderly and sanitary condition at all times;

3. Cooperate with local health officers in all cases of persons or animals affected or suspected of being infected with any communicable disease;

4. Post copies of these regulations in one or more conspicuous places in the mobile home park where they can be easily seen by the mobile home personnel and visitors.

C. Duties—Occupants. It is the duty of all occupants of mobile homes to:

1. Maintain their site in a clean, orderly and sanitary condition at all times;
2. Abide by all applicable state and local regulations and the rules established by the park management. (Prior code § 8.12(11))

15.16.130 License.

A. Requirement. Before being open for public use, each mobile home park, as defined in Section 15.16.030, shall be licensed by the town. Application for license by the town shall be made on forms provided by the town clerk. Such fees shall be nonreturnable, nontransfer-able and nonprorated.

B. State Fees. The departmental annual fiscal year license fee shall be nonreturnable, nontransferrable and nonprorated as specified in Wisconsin Statutes Section 254.47.

C. Inspection. Prior to the issuance of a license under this chapter and at least one other time during the license year, the town health officer shall conduct a sanitary inspection of each mobile home park and shall complete a report of such inspection and shall submit copies of such report to the town clerk and to the Department of Health and Social Services. Such reports shall be on forms provided by the Department of Health and Social Services. (Ord. 97-11 § 8.12(12)(b); prior code § 8.12(12))

15.16.140 Violations—Penalties.

A. Any person, firm or corporation violating any provisions of Section 15.16.050C and E relating to reporting the addition of occupied mobile homes shall, upon conviction thereof, forfeit not more than twenty-five dollars (\$25.00), together with costs of prosecution and each failure to report shall be regarded as a separate offense.

B. Any person, firm or corporation violating any provisions of this chapter, other than those specified in subsection A of this section, shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00), together with the costs of prosecution. Every day of noncompliance shall be deemed a separate and distinct offense. (Prior code § 8.12(13))