

Ordinance No. 2023-27

AN ORDINANCE TO DO THE FOLLOWING:

**TO AMEND AND RENUMBER CHAPTER 3, CHAPTER 5 AND CHAPTER 6 OF TITLE 15 WITH THE AMENDED CHAPTERS TO BE AS FOLLOWS:
CHAPTER 5 - FENCES, CHAPTER 7 – FAIR HOUSING, AND
CHAPTER 9 – PROPERTY ADDRESS SIGNS;**

TO REPEAL CHAPTER 4 - GRIEVANCES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS;

AND TO RENUMBER TITLE 15 CHAPTER 2 – CONSTRUCTION SITE EROSION CONTROL ORDINANCE TO BE CHAPTER 6;

TO CREATE CHAPTER 3 – REGULATIONS FOR MOVING AND RAZING BUILDINGS, AND TO CREATE CHAPTER 4 – SWIMMING POOLS;

ALL PLACED WITHIN TITLE 15 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Chapter 3 of Title 15 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered and amended to read as follows:

**“CHAPTER 7
FAIR HOUSING**

“SEC. 15-7-1 FAIR HOUSING; COMPLAINTS.

The Village Clerk shall have available in the office the form provided by the State of Wisconsin for a complaint to be filed under Section 106.50, Wis. Stats., as amended, and shall provide any person alleging a violation thereof in the Village of Caledonia with a copy of the form to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wis. Stat., as amended.

State Law Reference: Wis. Stat. §§ 66.1011; 106.50; 101.132”

2. That Chapter 4 of Title 15 of the Code of Ordinances for the Village of Caledonia entitled Grievances regarding access to public buildings by handicapped persons be, and hereby is, repealed.

3. That Chapter 5 of Title 15 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered and amended to read as follows:

**“CHAPTER 5
FENCES**

SEC. 15-5-1 DECLARATION OF POLICY.

- (a) The intent of this Ordinance is to establish standards for the location and design characteristics of and permits for fences within residential, commercial, institutional and industrial zoned areas, including non-agricultural uses in A2 districts and including agricultural uses bordering on residentially zoned property but only as to the written mutual agreement prohibited materials under Section 15-5-3(b)(3), within the Village of Caledonia.
- (b) The intent of this Ordinance is also to provide a policy as to fences currently located within public drainage, sanitary sewer or water easements or public rights-of-way within the Village of Caledonia.

SEC. 15-5-2 DEFINITIONS.

- (a) **Fence.** A fence is an artificial structure of posts and boards, wire, pickets, panels, rails or similar materials that is used as an enclosure of land. For purposes of this Chapter, a fence shall not include vegetation, nor shall it include a retaining wall that retains or supports earth. Additionally, a fence shall not include a temporary snow fence that is installed and removed within the months of November through April, nor shall it include a temporary fence required to be erected by this Code.
- (b) **Primary frontage.** The primary frontage is a boundary of a lot bordering a public Right of Way. If a lot borders more than one public Right of Way, the primary frontage is the boundary of a lot bordering a public Right of Way geographically situated in relation to and most convenient to the main entrance of the building.
- (c) **Front yard.** The front yard of a residential property is the portion of a lot between the front of the residence and public Right of Way bordering the primary frontage located between the side-yard property lines.
- (d) **Front of the residence.** The front of the residence is any portion of the residence, including attached garages, but not including architectural appurtenances, facing the primary frontage.
- (e) **“Good” side.** The good side of the fence is the side of the fence that by virtue of design and appearance would generally be considered as the most aesthetically pleasing side of the fence.
- (f) **District.** The Village of Caledonia Utility District operating in the Village of Caledonia.

SEC. 15-5-3 DESIGN.

- (a) **Height.**
 - (1) Residential properties.

- a. A fence within the front yard may not exceed four (4) feet in height, unless it is located more than seventy-five (75) feet from the public Right of Way extending across the primary frontage of the property and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- b. A fence within a back or side yard or located more than seventy-five (75) feet from the public Right of Way extending across the primary frontage of the property may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- c. A fence which is located in a front yard and which abuts a business, manufacturing, or industrial park property may exceed the height as per Sec. 15-5-3(a)(1)a but may not exceed six (6) feet in height and may not exceed any visual clearance requirements established by any applicable Zoning Ordinance or condition or by Village Ordinance.
- d. No fence, including fence posts, shall exceed eight (8) feet in height.
- e. A supporting fence post that is set into the ground may exceed the heights specified in Sec. 15-5-3(a)(1)a through d by six (6) inches.
- f. In no event shall any provision of this Chapter shall be construed to permit a spite fence in violation of Section 844.10, Wisconsin Statutes.

(2) Livestock Fences.

Fences for the containment of livestock on residential properties shall follow the standards set forth in this Section.

- a. All fences shall be constructed of a sufficient height and of sufficient materials so as not to allow the animal to run at large.
- b. Boards shall be allowed to be placed on the inside of posts, and electric wire if applicable, to properly contain the livestock, subject to any requirements under Sec. 15-5-3(b) below.
- c. A fence located within seventy-five (75) feet of the public Right of Way and extending across the frontage of the property may exceed four (4) feet in height so long as the acreage of the parcel is at least five (5) acres in size, the type of fence is of post and rail design and not solid or stockade. The Village Engineer shall determine if the proposed fence design is of post and rail type. In no case shall any fence exceed eight (8) feet in height. All fences shall comply with the location requirements of Sec. 15-5-4.
- d. All other requirements of this Chapter shall apply, unless specifically waived or modified by this Subsection.
- e. Any fence inadequately containing the livestock shall be deemed a public nuisance and the property owner may be proceeded against in accordance with Title 11, Chapter 6, of the Village's Code of Ordinances.

(3) Commercial and industrial properties.

- a. Fences on commercial and industrial properties shall not exceed eight (8) feet in height, unless provided otherwise in a Conditional Use Permit/Site Plan Review applicable to the property.

- b. A fence located within a street yard setback, as defined by the applicable Zoning Ordinance, may not exceed four (4) feet high, unless provided otherwise by a Conditional Use Permit/Site Plan Review.
 - c. A supporting fence post that is set into the ground may exceed the heights specified in Sec. 15-5-3(a)(2)a through b by six (6) inches.
- (b) **Prohibited Materials.**
 - (1) No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire or electrified wire within a residentially zoned district, unless as specifically allowed under Sec. 15-5-3(a)(2) above for electrified fencing of livestock.
 - (2) No person shall construct or cause to be constructed, in whole or in part, a fence with barbed wire or electrified wire in a commercially zoned district unless so provided in a Conditional Use Permit/Site Plan Review under the applicable Zoning Ordinance.
 - (3) No person shall construct or cause to be constructed a fence with electrified wire within ten (10) feet of a parcel boundary line between lands used for farming or grazing and residential property without a written, mutual agreement of the property owners as provided in Section 90.02(1m)(h), Wisconsin Statutes.
- (c) **Maintenance.** A fence shall be maintained in a structurally adequate condition. Posts, supports, rails, boards, panels, etc. shall be repaired or replaced as reasonably required toward that purpose.
- (d) **Aesthetics.**
 - (1) The “good” side of a fence shall face toward the adjoining property and toward the public Right of Way if any portion of a fence extending along the public Right of Way is within fifty (50) feet of the public Right of Way. However, if the purpose of the fence is to contain livestock, the boards shall be allowed to be placed on the inside of the posts.
 - (2) The Village Engineer shall determine which side of a fence is the “good” side and shall provide property owners with his determination upon request. The Village Engineer may require the property owner to provide sufficient evidence to make

said determination. The determination of the Village Engineer may be appealed to the Public Works Committee of the Village Board, whose determination shall be final.

SEC. 15-5-4 LOCATION.

- (a) A fence may not be located within a public drainage, sanitary sewer, or watermain easement or within the public Right of Way unless authorized elsewhere in this Chapter.
- (b) A fence may be located within street, side, rear, and shore yard setbacks as permitted by applicable Zoning Ordinances, unless otherwise prohibited or restricted herein or unless prohibited or restricted by a Conditional Use Permit/Site Plan Review or variance.
- (c) Fences abutting alleys shall be set back a minimum of two (2) feet from the lot line extending along the alley.
- (d) No fence shall be constructed in any front yard of a B-1, B-2, B-3, B-4, B-5, B-6 or B-7 Zoned District, unless said fencing is approved in conjunction with a Conditional Use Permit/Site Plan Review under the applicable Zoning Ordinance.

SEC. 15-5-5 PERMITS.

- (a) No person shall install or construct or cause to be installed or constructed a fence within the Village of Caledonia without first obtaining a Fence Permit from the Village of Caledonia as herein provided.
- (b) Any person desiring a Fence Permit for the installation or construction of a fence within the Village of Caledonia shall file a written application form provided by the Village.
- (c) The Fence Permit fee shall be established by and as may be modified from time to time by Resolution of the Village Board of the Village of Caledonia.
- (d) A Fence Permit issued pursuant to this Chapter shall be valid and permit construction of the fence for a period of one (1) year from date of issuance. If the fence is not completed within such period, a new Permit shall be required.
- (e) The Village Engineer or his representative shall have a right to enter upon the premises to inspect the fence and its construction to insure compliance with the Fence Permit and the provisions of this Chapter.
- (f) As a condition of receiving a Fence Permit under this Section, the owner agrees to defend, indemnify and hold the Village of Caledonia harmless from and against all claims, including boundary disputes, for injury or damage received or sustained by any person or entity in connection with the installation or construction of a permitted fence.

SEC. 15-5-6 EXCEPTIONS.

- (a) Fences located within the public Right of Way shall not be permitted and shall be removed.

- (b) A fence currently located within a public drainage, sanitary sewer, or watermain easement in the Village of Caledonia shall be permitted to remain unless in the opinion of the Village Engineer, the fence is determined to obstruct the purpose for which the easement was obtained or the maintenance of the easement, including underground lines. If the easement is under the jurisdiction of the Village of Caledonia Utility District, the Village Engineer shall consult with the District in rendering an opinion under this Subsection. The determination of the Village Engineer as to the existence of an obstruction may be appealed as set forth below.
- (c) Any fence that is required to be removed and is removed, either by the owner or the Village, because of a violation of this Chapter, may be replaced at the cost of the owner if in the opinion of the Village Engineer the fence could not obstruct the purpose for which the public drainage, sanitary sewer, or watermain easement was obtained or the maintenance related to such easement; provided that the owner shall agree to be responsible for the removal of the fence in the event of future interference with the purpose for which the easement was obtained or the operation or maintenance of the easement including underground lines; and provided that a Fence Permit is applied for and issued as provided in Section 15-5-5.
- (d) The Village Engineer may order any fence located within the Village of Caledonia contrary to the provisions of this Chapter to be removed, repaired or otherwise corrected, as the case may be. Such notice shall be in writing and delivered to the last known owner of the property where the fence is located, either delivered in person or by certified mail, addressed to the last known address of the owner, directing the work or action which is required to be taken. The work or action shall be completed within thirty (30) days after receipt of the notice in the case of personal delivery or after the mailing of the notice in the case of mailing. Upon written request of the Owner, and for good cause shown, the Village Board may extend the time for compliance with the Order provided the Owner waives any appeal rights set forth below.
- (e) Any person shall have a right to request a review of the determination of the Village Engineer under 15-5-6(b)-(c) or an Order served under 15-5-6(d) by filing a request for review in accordance with Title 4 of the Code of Ordinances. Failure to comply with the notice of required action shall permit the Village of Caledonia to enter upon the premises and complete such action. Any cost to the Village of Caledonia shall be charged as a special charge against the property as provided in Section 66.60(16), Wisconsin Statutes.
- (f) Fences existing in any Residential District prior to the effective date of this Chapter which do not meet the regulations of this Chapter are permitted to be:
 - (1) Repaired for ordinary maintenance, including painting, staining, and cleaning. No Permit shall be required for such work.
 - (2) Replaced; provided, however, that a Fence Permit is obtained for the construction of the replacement fence. No Permit fee shall be required for a Fence Permit for a replacement fence.
- (g) As an exception to any notice requirements set forth above, the Village President may order the emergency removal of a fence, or a portion thereof, where there is an immediate danger to persons or property, or a significant maintenance concern. This determination shall be made by the Village President, upon the recommendation of the Village Engineer.

SEC. 15-5-7 VARIANCE REQUESTS.

The Village Engineer may grant a variance, including an encroachment upon an easement, from the provisions of this Ordinance for good and sufficient cause as determined by the Village Engineer, based upon the special circumstances of the particular case and the criteria set forth in the Village of Caledonia Administrative Policy and Procedure Manual, but no variance shall be granted which is unjustly discriminatory in nature. As to any variance request involving a drainage, sanitary sewer, or watermain easement granted to the Village of Caledonia Utility District, a written recommendation indicating the Utility District's position and the reasons therefor shall be obtained from the Utility District and filed with the Village Engineer before a variance request will be considered. The Village Engineer may accept or reject the Utility District's recommendation, as he or she deems appropriate. Any person shall have a right to request a review of the Village Engineer's decision by filing a request for review in accordance with Title 4 of the Code of Ordinances. If the Village Engineer rejects the Utility District's recommendation and grants a variance request, notice of the decision shall be given to the Utility District and the variance shall not be effective until at least five (5) working days after notice of the decision is delivered to the Utility District.

SEC. 15-5-8 APPEAL FROM REVIEW OF INITIAL DETERMINATION.

The Village Board shall hear any appeals from the decision reviewing the initial determination in accordance with Title 4 of the Code of Ordinances. After such hearing, the Village Board shall issue its final determination as to the existence of an obstruction, the order of the Village Engineer to remove or repair a fence, or the decision of the Village Engineer with respect to a variance request. As to any appeal involving a drainage, sanitary sewer, or watermain easement granted to the Utility District, a written recommendation indicating the Utility District's position and the reasons therefor shall be obtained from the Utility District and filed with the Village Board before a hearing under this Section may be scheduled. The Village Board may accept or reject the Utility District's recommendation, as it deems appropriate.

SEC. 15-5-9 PENALTIES.

In addition to any other remedies allowed by this Code, any person violating any of the provisions of this Chapter, including, but not limited to, failing to comply with the terms of a variance, shall, upon conviction, be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day of such violation shall constitute a separate offense.

SEC. 15-5-10 SEVERABILITY.

Any section, clause, sentence or provision of this Chapter determined to be invalid for any reason shall not affect the validity of any other section, clause, sentence or provision of this Chapter.”

4. That Chapter 6 of Title 15 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered and amended to read as follows:

“CHAPTER 9
Property Address Signs

SEC. 15-9-1 PROPERTY ADDRESS SIGNS REQUIRED.

- (a) **Single and two-family buildings.** All single family and two-family residential buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street, road or service drive providing access to the building.
- (b) **Multi-family buildings.** All multi-family buildings shall have street numbers, not less than 2-1/2 inches high, placed on the exterior wall of the principal building that faces the street, service drive or parking lot and located adjacent to the individual unit entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than 12 inches high, and located near the top of the building wall facing the street, service drive, or parking lot serving the building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from the access drive.
- (c) **Commercial & Industrial buildings.** All commercial or industrial buildings shall have street numbers, not less than 6 inches high, placed on the exterior wall of the principal building facing the street, service drive, or parking lot providing access to that building and located adjacent to any primary entrance door. All commercial or industrial structures, which have a rear service door, shall identify the occupant and the street address conspicuously on the rear door in contrasting and reflective letters and numbers not less than 6 inches in height, which shall be continually maintained.
- (d) **Requirements.** All street number signs shall be readily visible from the street, road, or service drive, have a contrasting background from the numerals, and if possible be reflective.
- (e) **Exception.** For those buildings that are not readily visible from the street, there shall be an address sign posted within 3 feet of the property's Right of Way, at the driveway, with numerals of the proper size as required for visible buildings as provided in this Section.
- (f) **Enforcement and Penalty.** The Village of Caledonia Building Inspection and Police Departments shall have the authority to enforce compliance with the provision of this Ordinance. Any person who violates the provisions of this Ordinance shall, upon conviction, forfeit not less than \$25 nor more than \$200 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs, may be imprisoned in the county jail until payment is made, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense. Any person charged with a violation under this Section may pay the amount of \$75 plus costs at the Caledonia Police Department in lieu of a court appearance.”

5. That Chapter 2 of Title 15 of the Code of Ordinances for the Village of Caledonia be, and hereby is, renumbered to read as follows:

“CHAPTER 6

Construction Site Erosion and Sediment Control Ordinance

SEC. 15-6-1 AUTHORITY.

- (a) This Ordinance is adopted under the authority granted by Sec. 61.354, Wis. Stat. This Ordinance supersedes all provisions of an Ordinance previously enacted under Sec. 61.35, Wis. Stat. that relate to construction site erosion control. Except as otherwise specified in Sec. 61.354, Wis. Stat., Sec. 61.35, Wis. Stat., applies to this Ordinance and to any amendments to this Ordinance.
- (b) The provisions of this Ordinance are deemed not to limit any other lawful regulatory powers of the Village Board.
- (c) The Village Board hereby designates the Village Engineer to administer and enforce the provisions of this Ordinance.
- (d) The requirements of this Ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Sec. 281.16 and 283.33, Wis. Stat.
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.

SEC. 15-6-2 FINDINGS OF FACT.

The Village Board acknowledges that runoff from land disturbing construction activities carries a significant amount of sediment and other pollutants to the waters of the state in the Village of Caledonia.

SEC. 15-6-3 PURPOSE.

It is the purpose of this Ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Caledonia.

SEC. 15-6-4 APPLICABILITY AND JURISDICTION.

- (a) **Applicability.**

- (1) Except as provided under Sec. 15-6-4(a)(2) below, this Ordinance applies to any construction site as defined under Sec. 15-6-5(f) of this Ordinance and the following land disturbing construction activities:
 - a. Those requiring a subdivision plat approval.
 - b. Those requiring a certified survey map approval.
 - c. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
 - d. Those involving excavation or filling or a combination of excavation and filling affecting one-hundred fifty (150) cubic yards or more of dirt, sand or other excavation or other fill material
 - e. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
 - f. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.

- (2) This Ordinance does not apply to the following:
 - a. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

Note to Users: Transportation facility projects directed and supervised by Wisconsin Department of Transportation are not subject to this Ordinance. Notwithstanding this Ordinance, a municipality is required to comply with the construction site transportation facility performance standards in Subch. IV of NR 151, Wis. Adm. Code, for its own transportation-related projects. For the activities over which the Village has jurisdictional oversight of another local unit of government, the performance standards in Sec. NR 151.225(3) and 151.23(4m), Wis. Adm. Code, shall apply as described in this Ordinance under Sec. 15-6-9(c)(1).

- b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
- c. Nonpoint discharges from agricultural facilities and practices.
- d. Nonpoint discharges from silviculture activities.
- e. Routine maintenance for project sites that have less than 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- f. Agricultural facilities and practices, and growing and tending of gardens, provided that the limitation on excavation and/or filling set forth in Sec. 15-6-4(a)(1)d is not violated.

- (3) Notwithstanding the applicability requirements in Subsections 15-6-4 (a)(1) and (2), this Ordinance applies to construction sites of any size that, as determined by the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(b) **Jurisdiction.**

This Ordinance applies to land disturbing construction activity on lands within the boundaries and jurisdiction of the Village of Caledonia, as well as the extraterritorial division of land subject to an Ordinance enacted pursuant to Sec. 236.45(2) and (3), Wis. Stat.

(c) **Exclusions.**

This Ordinance is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stat.

SEC. 15-6-5 DEFINITIONS.

- (a) **“Administering authority”** means the Village Engineer designated by the Village Board to administer this Ordinance
- (b) **“Agricultural facilities and practices”** has the meaning in Sec. 281.16(1), Wis. Stat.
- (c) **“Best management practice” or “BMP”** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (d) **“Business day”** means a day the office of the Village Engineer is routinely and customarily open for business.
- (e) **“Cease and desist order”** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Engineer.
- (f) **“Construction site”** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (g) **“Design Storm”** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
- (h) **“Division of land”** means the creation from one parcel of two or more parcels or building sites of any size where such creation occurs at one time or through the successive partition within a 5-year period.
- (i) **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.

- (j) **“Erosion and sediment control plan”** means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (k) **“Extraterritorial”** means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (l) **“Final stabilization”** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (m) **“Governing Body”** means the Village Board of Trustees.
- (n) **“Land disturbing construction activity”** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (o) **“Landowner”** means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (p) **“MEP” or “maximum extent practicable”** means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this Ordinance as determined in accordance with Sec. 15-6-6 of this Ordinance.
- (q) **“Performance standard”** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (r) **“Permit”** means a written authorization made by the Village Engineer to the applicant to conduct a land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (s) **“Pollutant”** has the meaning given in Sec. 283.01 (13), Wis. Stat.
- (t) **“Pollution”** has the meaning given in Sec. 281.01 (10), Wis. Stat.
- (u) **“Responsible party”** means any Landowner or any other entity performing services to meet the requirements of this Ordinance through a contract or other agreement.
- (v) **“Runoff”** means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (w) **“Sediment”** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (x) **“Silviculture activity”** means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (y) **“Site”** means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

- (z) **“Stop work order”** means an order issued by the Village Engineer which requires that all construction activity on the site be stopped.
- (aa) **“Technical standard”** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (bb) **“Transportation facility”** means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Sec. 85.095 (1)(b), Wis. Stat. “Transportation facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to Sec. 281.33, Wis. Stat.
- (cc) **“Waters of the State”** includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

Sec. 15-6-6 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this Ordinance demonstrates to the Village Engineer’s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

SEC. 15-6-7 TECHNICAL STANDARDS.

(a) Design Criteria, Standards and Specifications.

All BMPs required for compliance with this Ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.
- (2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

Note to Users: The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.

- (3) **Other Standards.** Other technical standards not identified or developed in Sec. 15-6-7(a) may be used provided that the methods have been approved by the Village Engineer.

SEC. 15-6-8 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER ONE ACRE.

- (a) **Responsible Party.** The responsible party shall comply with this Section.
- (b) **Erosion And Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (1) The deposition of soil from being tracked onto streets by vehicles.
 - (2) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (3) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (4) The discharge of sediment from drainage ways that flow off the site.
 - (5) The discharge of sediment by dewatering activities.
 - (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (7) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (c) **Location.** The BMPs shall be located so that treatment occurs before runoff enters waters of the state.
- (d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:
 - (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

15-6-9 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

- (a) **Responsible Party.** The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with Sec. 15-6-11

- (b) **Erosion And Sediment Control Plan.** A written site-specific erosion and sediment control plan shall be developed in accordance with Sec. 15-6-11 of this Ordinance and implemented for each construction site.

Note to Users: The written plan may be that specified within Sec. NR 216.46, Wis. Adm. Code, the erosion and sediment control portion of a construction plan or other plan.

- (c) **Erosion and Other Pollutant Control Requirements.** The erosion and sediment control plan required under sub. (2) shall include the following:

- (1) **Erosion And Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- a. The deposition of soil from being tracked onto streets by vehicles.
- b. The discharge of sediment from disturbed areas into on-site storm water inlets.
- c. The discharge of sediment from disturbed areas into adjacent waters of the state.
- d. The discharge of sediment from drainage ways that flow off the site.
- e. The discharge of sediment by dewatering activities.
- f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
- g. The discharge of sediment from erosive flows at outlets and in downstream channels.
- h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this Ordinance.
- i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

- (2) **Sediment Performance Standards.** In addition to the erosion and sediment control practices under par. (1), the following erosion and sediment control practices shall be employed:

- a. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
- b. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this subsection. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
- c. Notwithstanding Sec. 15-6-9(2)(a), if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and

sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

- (3) **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:
- a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20 percent or more.
 - d. Development of spill prevention and response procedures.
- (4) **Location.** The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

Note to Users: While regional treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

- (d) **Implementation.** The BMPs used to comply with this section shall be implemented as follows:
- (1) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in 15-6-9(b).
 - (2) Erosion and sediment control practices shall be maintained until final stabilization.
 - (3) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
 - (4) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
 - (5) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.
- (e) **Alternate Requirements.** The Village Engineer may establish storm water management requirements more stringent than those set forth in this Section if the Village Engineer determines that an added level of protection is needed for sensitive resources.

SEC. 15-6-10 PERMITTING REQUIREMENTS, PROCEDURES AND FEES.

- (a) **Permit Required.** No responsible party may commence a land disturbing construction activity subject to this Ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Engineer.
- (b) **Permit Application and Fees.** The responsible party that will undertake a land disturbing construction activity subject to this Ordinance shall submit an application for a permit and

an erosion and sediment control plan that meets the requirements of Sec. 15-6-11 and shall pay an application fee to the Village in the amount as established in Sec. 15-6-12. By submitting an application, the applicant is authorizing the Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) **Permit Application Review and Approval.**

The Village Engineer shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

- (1) Within thirty (30) business days of the receipt of a complete permit application, as required by Sec. 15-6-10(b), the Village Engineer shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this Ordinance.
- (2) If the permit application and erosion and sediment control plan are approved, the Village Engineer shall issue the permit.
- (3) If the permit application or erosion and sediment control plan is disapproved, the Village Engineer shall state in writing the reasons for disapproval.
- (4) The Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have ten (10) business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.
- (5) Failure by the Village Engineer to inform the permit applicant of a decision within thirty (30) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued, unless the time to act is extended by mutual, written agreement between the applicant and the Village Engineer.

(d) **Surety Bond.** As a condition of approval and issuance of the permit, the Village Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.

(e) **Permit Requirements.** All permits shall require the responsible party to:

- (1) Notify the Village Engineer within 48 hours prior to commencing any land disturbing construction activity.
- (2) Notify the Village Engineer of completion of any BMPs within 14 days after their installation.
- (3) Obtain permission in writing from the Village Engineer prior to any modification pursuant to Sec.15-6-11(c) of the erosion and sediment control plan.
- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain all road drainage systems, storm water drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
- (7) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these

activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

- (8) Allow the Village Engineer to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (f) **Permit Conditions.** Permits issued under this Section may include conditions established by Village Engineer in addition to the requirements set forth in 15-6-10(e), where needed to assure compliance with the performance standards in Sec.15-6-8 or Sec. 15-6-9.
- (g) **Permit Duration.** Permits issued under this Section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village Engineer may grant one or more extensions not to exceed 180 days cumulatively. The Village Engineer may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this Ordinance.
- (h) **Maintenance.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this Ordinance until the site has undergone final stabilization.
- (i) **Additional Permit Requirements for Construction Related to Major Land Divisions.**
 - (1) In addition to the above requirements, permits for land disturbing construction activities related to proposed subdivision plats shall not be issued until the following requirements have been satisfied:
 - a. The subdivision must have received preliminary plat approval from Racine County and the Village Board.
 - b. Grading and drainage plans shall have been submitted to the Village Engineer, and initial review completed by the Engineering Department.
 - c. The Subdivider must execute a hold harmless/indemnification agreement.
 - d. The Subdivider must submit a letter of credit, in accord with the terms of the Village's standard Development Agreement, for the entire amount of subdivision improvements plus contingency. Where the cost for the improvements is not yet known, the Village Engineer may accept a letter of credit in an amount sufficient to cover initial grading and filling work plus contingency. However, no additional work shall be commenced by the Subdivider until the letter of credit amount is increased to cover the cost of all subdivision improvements plus contingency.
 - e. The Subdivider shall execute a revised Predevelopment Agreement with provisions related to this early start procedure.
 - f. Where applicable, the Subdivider shall submit to the Village Engineer a copy of the executed agreement with the applicable sanitary or utility district for sewer and/or water construction.
 - g. A copy of the above materials, with the exception of the grading and drainage plans, must be delivered by the developer to the office of the Village Attorney.

- h. The Village Board must approve issuance of the permit. A copy of the approved permit shall be provided to the Village of Caledonia Storm Water Utility District.
- i. Additional conditions may be required by the Village Engineer or Village Attorney to address unforeseen or special circumstances.
- j. The Subdivider may not install sewer utilities, water utilities and storm water utilities, or conduct any road construction or asphalt work until after approval of final plans, final plat and execution of the required Development Agreement. The Subdivider may be permitted by the Village Engineer to do initial grading prior to the final plans, final plat and Development Agreement being approved.
- k. Failure to comply with these provisions shall subject the violator to the enforcement remedies set forth in Sec. 15-6-14 including, without limitation, revocation of the permit and prosecution for said violations.”

SEC. 15-6-11 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (a) **Erosion And Sediment Control Plan Statement.** For each construction site identified under Sec. 15-6-4(a), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Engineer. The erosion and sediment control plan statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the Ordinance. A site map shall also accompany the erosion and sediment control plan statement.
- (b) **Erosion and Sediment Control Plan Requirements.**
 - (1) An erosion and sediment control plan shall be prepared and submitted to the Village Engineer.
 - (2) The erosion and sediment control plan shall be designed to meet the performance standards in Sec.15-6-8, Sec. 15-6-9 and other requirements of this Ordinance.
 - (3) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant’s principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 - c. Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary

- erosion and sediment control measures, and establishment of permanent vegetation.
- d. Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.
 - e. Calculations to show the compliance with the performance standard in Sec. 15-6-9(c)(2)(a).
 - f. Existing data describing the surface soil as well as subsoils.
 - g. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - h. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
- (4) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Location of major structural and non-structural controls identified in the erosion and sediment control plan.
 - f. Location of areas where stabilization BMPs will be employed.
 - g. Areas which will be vegetated following land disturbing construction activities.
 - h. Area(s) and location(s) of wetland on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
 - i. Area(s) used for infiltration of post-construction storm water runoff.
 - j. An alphanumeric or equivalent grid overlying the entire construction site map.
- (5) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosions and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosions and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall

- ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
- b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Engineer, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
 - f. Protection of downslope drainage inlets where they occur.
 - g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste material
 - j. Stabilization of drainage ways.
 - k. Installation of permanent stabilization practices as soon as possible after final grading.
 - l. Minimization of dust to the maximum extent practicable.
- (6) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

Note to Users: The erosion and sediment plan requirements of this subsection will meet the erosion control plan requirements of Sec. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria, standards and specifications published by the Wisconsin Department of Natural Resources under Subchapter V of Chapter NR 151, Wis. Adm. Code.

- (c) **Erosion and Sediment Control Plan Amendments.** The applicant shall amend the erosion and sediment control plan if any of the following occur:
- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
 - (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (3) The Village Engineer notifies the applicant of changes needed in the erosion and sediment plan.

SEC. 15-6-12 FEE SCHEDULE.

The fees referred to in other Sections of this Ordinance shall be established by the Village Board and may from time to time be modified by Resolution. A schedule of the fees established by the

Village Board shall be available for review in Village Clerks office of the Village Hall of the Village of Caledonia.

SEC. 15-6-13 INSPECTION.

If land disturbing construction activities are occurring without a permit required by this Ordinance, the Village Engineer may enter the land pursuant to the provisions of Sec. 66.0119(1), (2), and (3), Wis. Stat.

SEC. 15-6-14 ENFORCEMENT.

- (a) The Village Engineer may post a stop-work order if any of the following occurs:
 - (1) Land disturbing construction activity regulated under this Ordinance is occurring without a permit.
 - (2) The erosion and sediment control plan is not being implemented in good faith.
 - (3) The conditions of the permit are not being met.

Note to Users: The Village Engineer should inspect any construction site that holds a permit under this Chapter at least once a month between March 1 and October 31, and at least 2 times between November 1 and February 28 to ensure compliance with the approved erosion and sediment control plan.

- (b) If the responsible party does not cease activity as required in a stop-work order posted under this Section or fails to comply with the erosion and sediment control plan or permit conditions, the Village Engineer may revoke the permit.
- (c) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village Engineer or if a responsible party violates a stop-work order posted under Sec. 15-6-14(a), the Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The Village Engineer may retract the stop-work order issued under Sec. 15-6-14(a) or the permit revocation under Sec. 15-6-14(b).
- (e) After posting a stop-work order under Sec. 15-6-14(a), the Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Ordinance. The Village Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Engineer, plus interest at the rate authorized by Village Board shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subchapter VII of Ch. 66, Wis. Stat.
- (f) Any person violating any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (g) Compliance with the provisions of this Ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

SEC. 15-6-15 APPEALS.

- (a) **Board of Appeals.** The Board of Appeals created pursuant to Sec. 16-1-5 pursuant to Sec. 61.354, Wis. Stat.:
- (1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Engineer in administering this Ordinance except for cease and desist orders obtained under Sec. 15-6-14(c).
 - (2) May authorize, upon appeal, variances from the provisions of this Ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship; and
 - (3) Shall use the rules, procedures, duties and powers authorized by Statute in hearing and deciding appeals and authorizing variances.
- (b) **Who May Appeal.** Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, officer, department, board, commission or committee of the Village of Caledonia affected by any decision of the Village Engineer.

SEC. 15-6-16 SEVERABILITY.

If a court of competent jurisdiction determines any Section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the Ordinance shall remain in force and not be affected by such judgment.

SEC. 15-6-17 EFFECTIVE DATE.

This Ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing Ordinance was duly adopted by the Village Board of the Village of Caledonia on the 4th day of April, 2016 and renumbered approved 12th of December, 2023.”

6. That Chapter 3 of Title 15 of the Code of Ordinances for the Village of Caledonia entitled Regulations for Moving and Razing Buildings be, and hereby is, created to read as follows:

“CHAPTER 3

SEC. 15-3-1 REGULATIONS FOR MOVING AND RAZING BUILDINGS.

- (a) **General.** No person shall move any building or structure upon any of the public Right of Way Permit in the Village without first obtaining a Permit therefor from the Building Inspector and upon the payment of the 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 said moving operations shall be performed.
- (b) **Moving Damaged Buildings.** No buildings shall be repaired, altered or moved within or into the Village that have deteriorated, have been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) by fifty percent (50%) or more of its equalized value; and no Permit shall be granted to repair, alter or move such building within or into the Village.

- (c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and day by day 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 any fire hydrant or any other public facility. Adequate lighting 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 (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Village Highway Superintendent, inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said 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 said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, said Village Board shall repair the damage done to such streets and highways and hold the person obtaining such permit and the sureties on his bond responsible for the payment of the same.
- (e) **Conformance with Code.** No Permit shall be issued to move a building within or into the Village and to establish it upon a location within the Village 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 said 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 the same are completed the building, as such, will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside 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 Right-of-Way in the Village, the party applying therefor shall give a bond to the municipality in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with claims for damages to any persons or property and the payment of any judgment, together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the Permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public Right-of-Way as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the falling onto such excavation of children under twelve (12) years of age unlikely,

the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erected 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 herein.

- (g) **Insurance; Hold Harmless.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Two Million Dollars (\$2,000,000.00) and for one (1) accident in a sum 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. The permittee shall add, by specific enforcement, the Village, its officials, officers, employees, agents and consultants as additional insureds on its required liability policies. Certificate of insurance shall be provided to the Village and such Certificate shall provide that the Village shall receive a thirty (30) day notice of intent to not renew such insurance and/or cancellation of insurance for nonpayment of premium or for any other reason. In such instance, the permittee shall provide substitute certificates of insurance meeting the requirements of this Section. The permittee shall comply with all local, state and federal laws, rules, regulations. As a condition of the Permit, permittee agrees to indemnify, defend and hold the Village harmless from and against any and all fault, liabilities, costs, expenses, claims, demands, or lawsuits incurred by, or brought against, the Village arising out of, related to, or connected with, the moving of the building and/or the permit issued hereunder.

(h) **Architectural Approval.**

- (1) No such Permit shall be issued unless it has been found as a fact by the Village Board by at least a majority vote after an examination of the application for the Permit, which shall include exterior elevations of the building and accurate photographs of all sides and views of the same, and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located that the exterior architectural appeal and functional plans of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood for the character of the applicable district established by the Zoning Ordinances governing the Village, or any Ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation in the property values of said neighborhood within said applicable district. In case the applicant proposes to alter the exterior of said building after moving the building the applicant shall submit with his 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 give a bond to the Village Board, which shall not be less than One Thousand Dollars (\$1,000.00) to be executed in the manner provided in Subsection (f) hereof to the effect that the applicant will, within a time to be set by the Village Board, complete the proposed exterior alterations to said building in the manner set forth in his plans and specifications. This bond shall be in addition to any other bond or surety which

may be required by other application Ordinances of the Village. No Certificate of Occupancy shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he shall request a meeting of the Village Board to consider applications for moving permits which he has found comply in all respects with all other Ordinances of the Village. The Village Board may, if it desires, hear the applicant for the Moving Permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, giving such notice of meeting as they may deem sufficient. Such meeting may be adjourned for a reasonable length of time; and within five (5) days after the close of the meeting, the Village Board shall, in writing, make or refuse to make the finding required by this Subsection and file it in the office of the Village Clerk who shall send a copy of it to the Building Inspector.

SEC. 15-3-2 RAZING BUILDINGS.

- (a) **Authority; Raze Order.** The Building Inspector is hereby authorized to act for the Village under the provisions of Sec. 66.0413 of the Wisconsin Statutes relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The Village Treasurer is authorized to assess and collect, as a special charge against the real property, the costs incurred by the Village for proceeding in accordance with Wis. Stat. § 66.0413.
- (b) **Utilities; Excavations To Be Filled.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A Permit to demolish or to remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Excavations shall be filled with solid fill to match lot grade within five (5) days of removal of the structure. Any excavation shall be protected with appropriate fences, barriers and/or lights.
- (c) **Permit Procedure.** No building shall be razed, as defined in Section 66.0413, Wis. Stat., in the Village without a raze permit issued by the Building Inspector. The Building Inspector shall issue or deny requests for Raze Permits within sixty (60) days of receiving a Permit application. In their review of the Permit application, the Building Inspector shall, investigate the historical significance, if any, of the building to be razed, and consider other facts that affect the issuance of a Raze Permit such as the health and safety of the public, the condition of the building, history of violations, and other fact specific inquiries. The Village Board shall set an application fee for such raze permit by Resolution from time-to-time. A permit to raze a building that is issued by the Building Inspector shall be transmitted to the Village Assessor.”

7. That Chapter 4 of Title 15 of the Code of Ordinances for the Village of Caledonia entitled Swimming Pools be, and hereby is, created to read as follows:

**“CHAPTER 4
SWIMMING POOLS**

15-4-1 SWIMMING POOLS.

The purpose of these regulations is to insure the safe and proper in installation and/or alteration of swimming pools in relation to property, dwellings, and safety.

- (a) **Definition.** "Private swimming pool" means a receptacle for water or an artificial pool of water having a depth at any point of more than 2 feet, whether above or below ground.
- (b) **General Guidelines.** Private swimming pools shall:
 - (1) Require a Building Permit, unless, the pool is 99 square feet in area or less, is less than 4 feet in depth, and is removed by November 1st, for the winter. (All 3 conditions must be met not require a Building Permit.)
 - (2) Not be located in the front yard.
 - (3) Not be closer than 8 feet to any dwelling or outbuilding(s).
 - (4) Be completely enclosed by a fence not less than 48 inches in height and be constructed in such a manner so that a ball 6 inches in diameter cannot pass through the fence.
 - (5) Have ladders or stairs that can be removed or secured in such a manner as to prevent access when unattended.
 - (6) Not be filled until fencing is completely installed.
 - (7) Be equipped with a lock or self-closing, self-latching device placed at the top of the gate.
 - (8) Have equipment, including circulating pumps and filters be located so as not to create a nuisance or noise problem, and if necessary, be shielded or protected by a barrier.
 - (9) Be maintained in such a way as to not create a nuisance, hazard, eyesore or have an adverse effect on neighboring properties or be detrimental to public health, safety, or welfare.
 - (10) Be constructed so as to not allow water from the pool to drain into any sanitary sewer or septic tank, nor to overflow on or cause damage to, any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval of the Residential Plumbing Inspector.
- (c) **Permit Required.**
 - (1) No person shall construct, install, enlarge, or alter any swimming pool or erect a covering over or around any swimming pool unless a Building Permit has been obtained from the Residential Building Inspector.
 - (2) An application for a Building Permit shall be accompanied by plans drawn to scale, showing the following:
 - (a) Location of pool on lot, with distances from all lot lines and structures.
 - (b) Fence height (48 inches, minimum).

- (c) Specifications of pool.
- (d) A plat of survey or accurate drawing indicating existing structures, fences, and utility lines.
- (e) Any decks to be constructed around or adjacent to the pool.
- (3) All permit work shall be inspected by the Building Inspector and Residential Electrical Inspector upon completion of work, prior to use.
- (d) **Exceptions.** No fence shall be required for above ground pools that are at least 4 feet above grade.
- (e) **Filling of Pool.** The filling of a pool from a residential hose sill cock shall be anti-siphonic and acceptable to the Residential Plumbing Inspector. In filling a pool or replenishing the water supply of such pool, the device used to convey the water supply shall not be submerged at any time into the existing or present water contents.
- (f) **Enforcement.** The Department of Building Inspection shall be responsible for enforcing the standards of this Section.
- (g) **Penalty.** Any person convicted of violating this Section shall forfeit not less than \$250 nor more than \$500 per violation, or upon default of payment be imprisoned for not more than 20 days.”

8. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this ___ day of January, 2024.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston
 Thomas R. Weatherston, Village President

Attest: Jennifer Olsen
 Jennifer Olsen, Clerk

770272.001(924) 1-10-24