

## Title 15

### Building Code

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### CHAPTER 1

#### Building, Plumbing, Electrical and HVAC Codes

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**SEC. 15-1-1 TITLE.**

The regulations in this Chapter shall be known and cited as the “Caledonia Building Code.” The Caledonia Building Code shall be construed to secure their expressed intent and to ensure public safety, health and welfare insofar as they are dependent upon building construction.

**SEC. 15-1-2 SCOPE OF CHAPTER.**

The provisions of this Code shall govern the design, Construction, alteration, demolition and moving of all buildings and structures.

**SEC. 15-1-3 APPLICATION OF STATE CODES.**

- (a) **Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code.** The Wisconsin Administrative Building and Heating, Ventilating and Air

Conditioning Code, Chapters IND 50 through 57 and IND 60 through 64, both inclusive, and all amendments thereto, are hereby made a part of this Code by reference with respect to those classes of buildings to which such provisions apply. A copy of said Code is on file in the office of the Town Clerk.

- (b) **Wisconsin Uniform Dwelling Code.** The Wisconsin Uniform Dwelling Code, chapter ILHR 20 through 25, inclusive, and all amendments thereto, are hereby made a part of this Code by reference and shall apply to all one (1) and two (2) family dwellings and alterations and additions thereto, the initial construction of which was commenced after the effective dates of the various Chapters of the Wisconsin Uniform Dwelling Code. A copy of said Code is on file in the office of the Town Clerk.

#### **SEC. 15-1-4 APPLICATION OF CALEDONIA BUILDING CODE.**

- (a) **General Applicability.** All buildings and structures hereafter erected, altered, repaired, moved or demolished that are used or designed to be used for the purpose herein defined shall comply in full with the requirements of this Code.
- (b) **Zoning Laws.** No provision of this Code shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulations.
- (c) **Buildings Covered.** Construction requirements of the Uniform Dwelling Code shall apply to all new residential buildings not covered under Section 15-1-3.
- (d) **Existing Buildings.** This code shall also apply to buildings and conditions described in this Section as follows:
- (1) Existing Buildings Not Previously Occupied. An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) Repaired Structure. An existing structure that is repaired, when the cost of such repairs exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the assessor of the Town. This provision is limited to situations where the structure is to be repaired and the costs of such repairs would exceed fifty percent (50%) of the equalized value of the structure.
  - (3) Additions. Additions and alterations, regardless of costs, made to an existing building shall comply with the requirements of this Code. The provisions of Subsection (e) of this Section shall also apply.
  - (4) Roof Coverings. Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Code.
- (e) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- (1) Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but not of nonconforming type of construction, which involves either the structural members of floors or roofs, beams, girders, columns, bearing or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Code applicable to such occupancy and use and given type of construction.

- (2) Repairs. Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure, or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use shall be deemed minor repairs.
- (3) Alterations; When Not Permitted. When an existing building or structure which, for any reason whatsoever does not conform to the regulations of this Code, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, it is a rebuttable presumption that such structure constitutes a public nuisance; no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.
- (4) Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength, failing in which the building or structure shall be considered a menace to public safety and shall be vacated; and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Code are complied with.
- (5) Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (6) Use of Unsanitary Building. It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary, dilapidated, deteriorated, or out of repair as to be unfit for human habitation, occupancy or use until the regulations of this Code have been complied with.

#### **SEC. 15-1-5 DEPARTMENT OF BUILDING INSPECTION.**

- (a) **Creation.** There is hereby created the Department of Building Inspection. The Building Inspector appointed by the Town Board shall act as head of this Department.
- (b) **Duties.** The Building Inspector is vested with the authority and responsibility to enforce all laws controlling safe building construction. He shall make periodic inspection of existing public buildings to determine their safety. He shall make inspections at the site of buildings damaged by any cause whatsoever to determine the safety of buildings affected thereby.
- (c) **Rights.** The Building Inspector or his authorized agent shall have the power and authority at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection thereof and to require the production of the permit of any building, plumbing, electrical or heating work being done or the required license therefor. The Building Inspector is authorized to obtain inspection warrants to gain access to any such buildings, if necessary.
- (d) **Records.** There shall be kept in the department of Building Inspection a record of all applications for building permits in a book for such purpose, and each permit shall be regularly numbered in the order of its issue. Also, a record showing the number,

- (e) description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all buildings in the various classes shall be kept. There shall be kept in the Department of Building Inspection a record of all inspections made and of all removal and condemnation of buildings and a record of all fees collected showing the date of their receipt. The Building Inspector shall make a written annual report to the Town Board relative to these matter.

**SEC. 15-1-6 PERMITS; ISSUANCE PROCEDURE; REVOCATION.**

- (a) **Permits Required.** No building or structure of any kind thereof shall hereafter be built, enlarged, altered or demolished within the Town or moved into, within or out of the Town except as hereinafter provided, unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. Permits required are as follows:

- (1) Building.
- (2) Air conditioning.
- (3) Wrecking or razing.
- (4) Heating.
- (5) Moving of buildings.
- (6) Occupancy.
- (7) Reroofing and residing.
- (8) Other permits as required by the Town.

- (b) **Application for Permits.**

- (1) General Requirement. Application for a building permit shall be made in writing upon a blank form to be furnished by the Building Inspector and shall state the name and address of the owner of the building and the owner of the land on which it is to be erected, the name and address of the designer and shall set forth a legal description of the land on which the building is to be located, the location of the building, the house number hereof and such other information as the Building Inspector may require. With such application, there shall be submitted to the Building Inspector two (2) complete sets of plans, specifications and three (3) copies of a survey.

- (2) Survey. The survey shall be as provided in Section 15-1-20.

- (3) Plans and Specifications.

- a. All plans shall be drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate and shall disclose the existing and proposed provisions for water supply, sanitary sewer connections and surface water drainage. All dimensions shall be accurately figured. Drawings that do not show all necessary detail shall be rejected. A complete set of plans for residential construction shall consist of:

1. All elevations.
2. All floor plans.
3. Complete construction details.
4. Fireplace details [three-fourths (3/4) inch per foot] showing a cross-section of fireplace and flues.

5. Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.
- b. All plans shall remain on file in the office of the Building Inspector until at least one (1) year after the completion of the building, after which time the Building Inspector may return the same to the owner, may keep them for public records or may destroy them.
- (c) **Waiver of Some Requirements.** At the option of the Building Inspector, plans, date, specifications and survey need not be submitted with an application for permit to execute minor alterations and repairs to any building, structure or equipment, provided the proposed construction is sufficiently described in the application for permit.
- (d) **Seal of Registered Engineer or Architect.** All plans, data and specifications for the construction of any building or structure or for any construction in connection with existing buildings and structures, other than one (1) and two (2) family residences, containing more than fifty thousand (50,000) cubic feet, total volume, submitted with an application for permit shall bear the seal of the registered architect or registered engineer. The plans shall also be stamped as approved as required by the Department of Industry, Labor and Human Relations of the State of Wisconsin. Such building or structure shall be constructed under the supervision of an architect or engineer who shall be responsible for its erection in accordance with the approved plans. No permit shall be granted for such structure unless such construction will be under the supervision of an architect or engineer, as required by the Wisconsin Statutes. A written statement to this effect shall be filed by the architect or engineer with the Building Inspector with the application for permit.
- (e) **Drainage.**
  - (1) Grading of Lots. The plans shall show the present and proposed grades of the lot on which it is proposed to erect the building for which a building permit is sought and of the immediately adjoining property in sufficient detail to indicate the surface water drainage before and after the completion of grading. No permit shall be issued if the erection of the building and the proposed grades shall unreasonably obstruct the natural flow of water from the surface of adjoining property or obstruct the flow of any existing ravine, ditch, drain or storm water sewer draining neighboring property, unless suitable provision is made for such flow by means of an adequate ditch or pipe as shall be determined by the Town, which shall be shown on the plans and shall be constructed so as to provide continuous drainage at all times.
  - (2) Storm Water Drains. No dwelling shall be erected nor shall existing provisions for conveyance, of water from the roof of any dwelling be altered or replaced unless provision is made to convey water from the roof of the dwelling via gutters and downspouts to the ground in such a manner that such water will not, directly or indirectly, pass thence into the sanitary sewer system. No storm water or surface water drains may be connected with the sanitary sewer system, whether installed above or below the surface of the ground.
  - (3) Certification of Footing Elevations and Location of Culverts. After the forms for the footings are prepared, and before such footings are poured, the Town shall be presented with certification from a surveyor or engineer registered by the State of Wisconsin of the following:

- a. That the actual elevation of the footings are in conformity with the original plan submitted by the applicant and approved by the Town, and with the grades set by the Town Engineering Department;
  - b. That the actual location of the footings are in conformity with the setback distances of the original plans as submitted by the applicant and approved by the Town; and
  - c. The invert of the culvert and the location of the culvert as compared to the edge of the roadway pavement and the lot line.
- (f) **Building Inspector to Issue Permit.**
- (1) Issuance. If the Building Inspector finds that the proposed building will comply in every respect with this Code, other Town ordinances, and all laws of the State of Wisconsin and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building, except with the written consent of the Building Inspector filed with such application.
  - (2) Partial Permit. In case adequate plans are presented, the Building Inspector, at his discretion, may issue a permit for a part of the building before receiving the plans and specifications for the entire building. It shall be unlawful to commence work on any building or alteration before the building permit has been issued. The issuance of a permit upon the plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of any ordinances of the Town or laws of the State of Wisconsin or lawful orders issued pursuant thereto.
  - (3) Site Approval. For the construction of buildings requiring approval of the Department of Industry, Labor and Human Relations of the State of Wisconsin, no permit shall be issued until such approved plans are received by the Building Inspector.
  - (4) Highway Access. If the land does not abut upon a public highway which has been laid out, constructed and improved as required by the ordinances of the Town of Caledonia, the Building Inspector shall deny such permit. If the land abuts upon more than one (1) public highway, all such highways shall have been laid out, constructed and improved as required by the ordinances of the Town as a condition to the issuance of a building permit. If the land abuts upon a public highway which is less than four (4) rods in width, the Building Inspector shall deny such permit unless any such highway of lesser width has theretofore been laid out, constructed, improved, accepted and used by the governmental unit having jurisdiction over such public highway. Any such application denied by the Building Inspector shall be referred by him to the Town Board, and the Building Inspector shall deny such permit unless and until the applicant shall comply with the requirements of the Town Board as to the dedication of additional right-of-way reasonably required to create a four (4) rod public highway.
  - (5) Residence Area Requirements -- Single Family. No building permit shall be issued for the construction of a single-family residence in the Town which shall have an area of less than the following:

- (6) a. If constructed with a basement:
    - 1. Nine hundred (900) square feet for a two (2) bedroom home.
    - 2. One thousand (1,000) square feet for a three (3) bedroom home.
    - 3. One thousand two hundred (1,200) square feet for a four (4) bedroom home.
  - b. If constructed without a basement:
    - 1. One thousand (1,000) square feet for a two (2) bedroom home.
    - 2. One thousand one hundred (1,100) square feet for a three (3) bedroom home.
    - 3. One thousand three hundred (1,300) square feet for a four (4) bedroom home.
  - (7) Residence Area Requirements -- Two Story. Two (2) story residences and residences with expandable second floors shall have a minimum of eight hundred (800) square feet on the first floor. The building area shall be computed on the basis of the outside dimensions of the building on each floor, but exclusive of nonliving areas, such as garages, breezeways, porches, attics and basements or any portions with less than five (5) feet of head room.
  - (8) Yard Elevation. No building permit shall be issued for any proposed new building with a final yard elevation which is not from twelve (12) to eighteen (18) inches, inclusive, above the existing roadway or road grade, if established, provided that if the local topography or special conditions require otherwise, a building permit may issue for a building with a final yard elevation at variance with the guidelines if the Town Engineer determines that such issuance shall not be detrimental to the health, safety or welfare of the Town, any occupant or owner thereof, or any adjoining property. The yard elevation is defined as the elevation around the immediate perimeter of the proposed structure.
- (g) **Architectural Control.**
- (1) Purpose and Compliance. In order to protect public health, safety and general welfare and to maintain the taxable value of buildings and land in the Town, no building or structure shall hereafter be erected, moved, reconstructed or altered in the Town for which a building, moving or other permit is required under this Code without architectural approval as herein provided.
  - (2) Standards. No such permit shall be approved if, after an examination of the site of the proposed construction and the surrounding neighborhood and after examination of the application papers, it is found by the Town Board that the exterior architectural appeal or functional plan of such building or structure, after completion of such proposed work, shall be so at variance with either the exterior architectural appeal or functional plan of the building already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district established by the zoning ordinances thereto applicable as to cause a substantial depreciation in the property values of said neighborhood within said applicable district.
  - (3) Preliminary Determination. The Building Inspector shall initially determine whether the standards provided in Subsection (g)(2) above have been met, provided, however, if he is uncertain, if he decides the standards have not been met, or if a Town Board member or an adjoining property owner requests, such application for

permit shall be submitted to the Town Board for determination.

- (4) Hearing and Final Determination. The Town Board may, if it desires, hear the applicant for the permit in question and/or the owner of the lot on which it is proposed to make or to move the structure in question, together with any persons, whether residents or property owners, desiring to be heard, giving such notice of hearing as it may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required in Subsection (g)(2) hereof. The Town Clerk shall thereupon serve or mail a copy of such findings upon the Building Inspector and the applicant. Thereupon the Building Inspector shall issue or refuse to issue the permit in accordance with the determination of the Town Board.

(h) **Inspector May Revoke Permits.**

(1) Revocation.

- a. The Building Inspector may revoke any permit, certificate of occupancy or approval issued under the regulations of this Code and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
1. Whenever there is a violation of any regulations of this Code or of any other ordinance, law or lawful orders or Wisconsin Statute relating to the same subject matter.
  2. Whenever the continuance of any construction becomes dangerous to life or property.
  3. Whenever there is any violation of any condition or provision of the application for permit, or of the permit.
  4. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
  5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of any new materials, equipment, methods of construction devices or appliances.
- b. Prior to revocation of any permit, the Building Inspector shall give the permittee notice of the proposed revocation and the reasons therefor and shall give the permittee an opportunity to be heard on whether or not the permit should be revoked.

(2) Revocation Notice.

- a. The notice revoking a permit, certificate of occupancy or approval shall be in writing and may be served upon the application for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
- b. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- c. After the notice is served upon the persons as aforesaid and posted, it shall

be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises and the permit which has been so revoked shall be null and void; and before any construction or operation is again resumed, a new permit as required by this Code shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Code.

(i) **Fees; Proof of Payment.**

- (1) Before receiving a building permit, the owner or his agent shall pay the fee specified in Section 15-1-23. In applying the provisions of this Code in respect to new work, existing buildings, alterations and repairs, the physical value of the work shall be determined by the Building Inspector on the basis of current costs, or as otherwise provided in the Town ordinances.
- (2) No building permit shall be issued for any proposed building or construction unless proof is furnished satisfactory to the Building Inspector showing payment of any and all permits, connection charges or fees required or imposed by any Town sanitary district or Town utility district as a condition of the connection of such building or construction to the public sewer or water system of such Town sanitary district or Town utility district or as a condition of other approval required under any provision of this Code of Ordinances.
- (3) Before issuance of a building permit hereunder, the park fee shall be paid as provided in Section 15-1-26.

**SEC. 15-1-7 APPROVED PLANS; PLAN ALTERATION; PERMIT LAPSES.**

- (a) **Posting of Permit.** A weatherproof card signed by the Building Inspector indicating the permit has been issued shall be posted at the job site during construction.
- (b) **Plan Alteration Approval Required.** After issuance of a building permit, the approved plans shall not be altered unless any proposed change is first approved by the Building Inspector as conforming to the provisions of this Code.
- (c) **Lapse of Permit.**
  - (1) The building permit shall become void unless operations are commenced within four (4) months from the date thereof or if the building or work authorized by such permit is suspended at any time after work is commenced for a period of sixty (60) days. The period of time may be extended by the Building Inspector if the delay was due to conditions beyond the control of applicant.
  - (2) Before any work is commenced or recommenced after the permit has lapsed, a new permit shall be issued at the regular fee rate. In any event, all work shall be completed within twenty-four (24) months from the date of issuance of the permit.

**SEC. 15-1-8 REGULATIONS FOR MOVING BUILDINGS.**

- (a) **General.** No person shall move any building or structure upon any of the public rights-of-way in the Town 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 continued.

- (b) **Moving Damaged Buildings.** No buildings shall be repaired, altered or moved within or into the Town 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 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 Town.
- (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. 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 (1) day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Town Highway Foreman, 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 Town Board, said Town 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 Town and to establish it upon a location within the Town 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 he 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 Town 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 way in the Town, 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 Town Board or designated agent conditioned upon, among other things, the indemnification to the Town 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 Town 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 thoroughfare 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.** 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 One Million Dollars (\$1,000,000.00) and for one (1) accident in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), 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) **Architectural Approval.**
- (1) No such permit shall be issued unless it has been found as a fact by the Town 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 Town, 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 stone, he 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 Town 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 he will, within a time to be set by the Town 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 Town. No occupancy permit 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 Town Board to consider applications for moving permits which he has found comply in all respects with all other ordinances of the Town. The Town 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 hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time; and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required by this Subsection and file it in the office of the Town Clerk who shall send a copy of it to the Building Inspector.

#### **SEC. 15-1-9 RAZING THE BUILDINGS.**

- (a) The Building Inspector is hereby authorized to act for the Town under the provisions of Sec. 66.05 of the Wisconsin Statutes relating to the razing of buildings and all acts amendatory thereof and supplementary thereto. The Town Treasurer is authorized to place the assessment and collect the special tax as therein provided.
- (b) 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) **Procedure.** No permit to raze a building, as defined in Section 66.0413 of the Wisconsin Statutes, shall be issued by the Town Building Inspector without the prior approval of the Town Board, unless the building to be razed is in such a condition that, in the opinion of the Building Inspector, it poses a serious threat to residents of the property or to the public's health or safety. The Town Board may lay over any request for a raze permit for up to sixty (60) days to allow time for an investigation into the historical significance, if any, of the building to be razed.

#### **SEC. 15-1-10 INSPECTIONS.**

- (a) **Notification; Inspections.** Upon notification from the permit holder or his agent, required inspections of the construction of any buildings, structures or equipment shall be made as follows:
  - (1) Inspection to determine if the location on the premises is in compliance with approved certified lot or plot plan of the premises and the terms of the permit.
  - (2) Inspection to determine if the construction of footings as to thickness, width, placing of reinforced steel, if required, and foundation walls is in compliance with approved plans, data and the terms of the permit. Recertification of the footings and foundation location and elevation shall be provided to the Building Inspector prior to pouring concrete.
  - (3) Inspection of all wall, floor and roof framing, fire stopping and bracing when completed and of all pipes, chimneys, ventilating and other ducts, shafts and equipment when in place, but before any such work is covered, enclosed or concealed by other construction.
  - (4) Inspection prior to laying concrete for basement floor to inspect subgrade, drain tile and forms.
  - (5)

- (6) Upon the completion of any building, structure, equipment or construction for which a permit was issued and before the same is occupied or used, a final
  - (7) inspection shall be made by the Building Inspector; and until such building,
  - (8) structure or equipment is in compliance with all the requirements of this Code and terms of the permit, no occupancy shall be maintained. If the construction conforms to the requirements of this Code, a certificate of occupancy shall be issued.
- (b) **Coordinated Inspections.** All provisions of the laws and regulations of the Town and of legally adopted rules of local fire and health officials in respect to the operations, equipment, housekeeping, fire protection, handling and storage of flammable materials, liquids and gases and the maintenance of safe and sanitary conditions of use in occupancy in all buildings shall be strictly enforced by the administrative officials to whom such authority is delegated. Whenever inspection by any authorized enforcement officer discloses any violation of the provisions of this Code or of any other rules, regulations or laws, he shall immediately notify the administrative officer having jurisdiction of the violation.
  - (c) **Certified Report.** The Building Inspector may require a certified report of all required inspections as regulated by this Code from the registered architect or registered engineer supervising the construction of any building, structure or equipment requiring their supervision. Such certified report shall state in detail that all construction work has been executed in accordance with all of the regulations of this Code, approved plans, specifications, terms of the permit and further that such construction work was executed in accordance with accepted architectural and engineering standard procedures.
  - (d) **Appeals.** Any person feeling himself aggrieved by any order or ruling of the Building Inspector may appeal from such ruling to the Town Board within twenty (20) days after written notice of such ruling shall have been delivered to him. Such appeal is to be in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order or ruling is erroneous or illegal. Said notice of appeal shall be filed with the Clerk shall thereupon notify the Building Inspector of said appeal, and the appeal shall be heard at the next meeting of the Town Board. The Town Board, after consideration thereof, shall affirm, reverse or modify said ruling as is just in the premises. The ruling or order to the inspection shall be enforced until changed by the Town Board.
  - (e) **Disclaimer on Inspections.** The purpose of the inspections under this Chapter is to improve the quality of housing in the Town. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

**SEC. 15-1-11 STOP-WORK ORDER.**

Whenever the provisions of this Code or of the plans approved thereunder are not complied with, a stop-work order shall be served on the owner or his representative and a copy thereof shall be posted at the site of the construction. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the violation has been corrected.

**SEC. 15-1-12 CERTIFICATE OF OCCUPANCY.**

(a) **Inspections.**

- (1) The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this or any other ordinance are found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. The Building Inspector's stamp of approval on the fuse box shall constitute the certificate of occupancy.
- (2) No building, nor part thereof, shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.

(b) **Use Discontinued.**

- (1) Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Code, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated by notice served on any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of this Code.
- (2) Any building, structure or premises, or any part thereof hereafter vacated or damaged by any cause whatsoever so as to jeopardize public safety or health shall not hereafter be occupied or used under an existing certificate of occupancy or without the same until an application has been filed and a new certificate of occupancy issued.

(c) **Change of Occupant or Use.** It shall be unlawful to allow a change in the occupant or use of a structure, such as, but to limited to, a commercial building, industrial building, retail facility, manufacturing plant, facility, warehouse or office structure without first obtaining an occupancy permit from the building inspector. The permit shall be issued only after the structure has been inspected by the building, plumbing and electrical inspectors, as well as the fire and health departments to ensure compliance with all applicable municipal and state codes.

(d) **Hardship.** The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the municipality prior to issuance of an occupancy certificate in all such cases of hardship as, in his judgment and discretion, warrant occupancy before the final stage of completion as set forth in this Code. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within

which such building or structure can be completed, such time should not exceed one hundred twenty (120) days

**SEC. 15-1-13 GENERAL UNIFORM BUILDING CODE REQUIREMENT.**

Except as otherwise provided herein, all buildings in the Town of Caledonia shall be constructed in accord with Chapters III, IV, V, VI, VII, VIII, IX, X, XI and XII and Table No. 1 of the Wisconsin Uniform Building Code, as revised, prepared by the Building Inspectors Association of the State of Wisconsin, which provisions are incorporated herein by reference and made a part hereof; provided, however, that the garage area restrictions of Section 30.43(3) thereof shall only apply to garages for residential properties; and further provided, that any garage or accessory building of over 250 square feet shall have a concrete slab which shall meet the requirements of Section 30.43 of the Wisconsin Uniform Building Code.

**SEC. 15-1-14 WISCONSIN ELECTRICAL CODE.**

Except as hereinafter provided, the electrical code of the Town of Caledonia shall be the Wisconsin Electrical Code as promulgated by the Department of Industry, Labor and Human Relations, as periodically amended.

**SEC. 15-1-15 ELECTRICAL INSPECTOR.**

There shall be an electrical inspector who shall be appointed by the Town Board pursuant to this Code of Ordinances. He shall have authority to enforce the provisions of this Chapter. He shall receive as compensation all fees charged for his inspections.

**SEC. 15-1-16 WISCONSIN PLUMBING CODE.**

All plumbing work in the Town of Caledonia shall be performed in accordance with the provisions of the Code of Ordinances of the Town of Caledonia and the Wisconsin Plumbing Code as promulgated by the Wisconsin Department of Industry, Labor and Human Relations, as periodically amended.

**SEC. 15-1-17 PLUMBING INSPECTOR.**

There shall be a plumbing inspector who shall be appointed by the Town Board pursuant to this Code. He shall have authority to enforce the provisions of this Chapter. He shall receive such compensation as the Town Board determines.

**SEC. 15-1-18 CONSOLIDATION OF DEPARTMENTS.**

Nothing in this Chapter shall prevent the Town Board from consolidating any or all of the inspection departments under this Chapter.

**SEC. 15-1-19 DEPUTY INSPECTORS; TEMPORARY INSPECTORS.**

The Town Board may appoint deputies for the inspectors under this Chapter and may appoint temporary inspectors who shall, in the absence or temporary disability of the inspectors, exercise full authority under this Chapter.

**SEC. 15-1-20 BUILDING PERMIT SURVEY OR SKETCH REQUIRED.**

- (a) No building permit shall be issued for any dwelling unit, any commercial, industrial or institutional facility, or any structure which, in the judgment of the Town Engineer, will require substantial or critical grading or drainage work unless the applicant first provides a plat of survey prepared and certified by a land surveyor registered by the State of Wisconsin. The survey shall be made not more than one (1) year prior to the issuance of the building permit and shall contain such information as the Town Engineer or the Building inspector shall, in writing, require.
- (b) No building permit shall be issued for any garage, barn, shed, swimming pool or any detached structure unless the applicant provides a layout sketch and field stakes the location of the proposed structure. The layout sketch shall provide the following information:
  - (1) The perimeter lot lines of the involved parcel or lot including the approximate lot dimensions.
  - (2) The approximate location of all existing structures relative to the lot lines.
  - (3) The dimensions and location of the proposed structure relative to lot lines and existing structures.
  - (4) The approximate location of all known underground utilities in the vicinity of the proposed structure.
  - (5) The location of any overhead wires in the vicinity of the proposed structure.
  - (6) The location of any recorded or known easements on the property

**15-1-20.5 SWIMMING POOL REGULATIONS.**

Purpose of Regulations: 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 permit, unless the pool is less than 200 square feet in area, is less than 4 feet in depth and is removed by November 1st, for the winter.
  - (2) Not be located in the front yard.
  - (3) Not be closer than 8 feet to any dwelling or out building(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 Plumbing Inspector.
- (c) **Permit Required.**
- (1) A Zoning Permit from Racine County shall be required prior to obtaining a building permit for a pool or a deck, from the Town of Caledonia.
  - (2) No person shall construct, install, enlarge or alter any swimming pool or erect a covering over or around any swimming pool unless a permit has been obtained from the Building Inspector.
  - (3) An application for a 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 survey or accurate drawing indicating existing structures, fences and power lines.
    - (e) Any decks to be constructed around or adjacent to the pool.
  - (4) All permit work shall be inspected by the Building and Electrical Inspectors 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 residential hose sill cocks shall be anti-siphonic and acceptable to the 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) **Applicability.** All owners, operators or responsible parties with existing outdoor swimming pools shall have until June 1, 1997 to satisfactorily comply with this section upon passage and publication of this ordinance.
- (g) **Enforcement.** The Department of Building Inspection shall be responsible for enforcing the standards of this section.
- (h) **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.

**SEC. 15-1-21 SITE GRADING AND DRAINAGE BOND.**

- (a) **Definitions.** For purposes of this section:
  - (1) "agent" shall mean the person, partnership or corporation who signs the application for a building permit for the owner of the parcel.
  - (2) "owner" shall mean the person who holds legal title to the property at the time the building permit is issued.
- (b) **Cash Bond.** Before the issuance of any building permits for any dwelling unit, commercial building, industrial building, institutional building, or for any structure which will require any grading or drainage work, the owner, or the owner's agent, shall pay to the Town Treasurer the sum of \$1,000 as a cash bond.
- (c) **Requirements.** Such cash bond shall guarantee that all site grading and drainage work shall be completed in accordance with the following requirements:
  - (1) All required culverts and all other required drainage structures or appurtenances shall be:
    - a. of the required size, gauge, class or length;
    - b. properly installed at the required elevations and location;
    - c. in an undamaged condition; and
    - d. free of any silt or other deposits.
  - (2) All required ditches, swales, drainage easements and waterways located within the boundaries of the involved parcel or within Town road right-of-way lying adjacent to the involved parcel shall be:
    - a. graded to the proper gradients and side slopes;
    - b. lie at the required elevations and locations; and
    - c. have been seeded or sodded and covered with healthy growing grass.
  - (3) The proposed finished yard elevation around the perimeter of any new structure shall be established by the subdivision grading plans or set by the Town Engineer, and the entire building site shall be generally graded to the required elevations and contours as shown on the building permit survey which is required under Section 15-1-20.
  - (4) All roof drainage and sump pump flowage shall be outletted pursuant to the Town Engineer's instructions and shall not saturate, accumulate or damage the property of an adjacent parcel.
  - (5) The premises shall be cleared of all rubbish, debris or unused materials.
  - (6) The owner and agent shall be required to sign the site restoration application and receive a copy of general instructions for items (1) through (5) at the time the building permit is issued. The instructions shall indicate that the site must be restored within 270 days of occupancy.
- (d) **Inspection.** After the occupancy permit is issued by the Town Building Inspector, the Town Engineering Department shall send a letter notifying the owner that the residence shall be inspected at the end of 270 days for compliance with par. (c), above. The inspection shall be completed within 270 days; however, if the occupancy permit is issued between February 15 and July 31, then the inspection shall be completed before May 1 of the following year.
- (e) **Refund.** If the inspection as described in par. (d), above reveals that all the requirements listed in par. (c) have been met, the cash bond shall be released upon written

recommendation of the Town Engineer. If the inspection does not meet such requirements, the Town Engineer shall notify the owner in writing of the deficiencies which must be corrected within 60 days. If the 60 days extends beyond October 31, then a re-inspection shall be performed by May 1, of the following year.

- (f) **Completion by Town.** All grading, drainage and cleanup work shall be completed within 330 days after the issuance of the occupancy permit with respect to the building or structure for which the building permit was issued. In the event that all the work is not completed within the 330 day period, the Town may have the work completed and charge any costs against the cash bond, with the balance of the bond to be refunded. In the event the bond is inadequate to pay for all costs, the owner shall pay any deficiency to the Town on demand. The Town shall have 540 days after the issuance of an occupancy permit to complete the work. If the Town does not complete such work within 540 days, the balance of the cash bond shall be refunded.

**SEC. 15-1-22 FIRE SPRINKLER PERMITS.**

- (a) **Required.** A permit to install a fire sprinkler system, as provided in Section 5-5-2 of the code, is required.

- (b) **Issued.** A permit to install a fire sprinkler system shall be obtained from the Fire Department prior to installation; however, no such permit shall be issued until the following conditions have been met:

- (1) A fire sprinkler plan, which meets the National Fire Protection Administration's standards, has been submitted to the Fire Chief for review.
- (2) The Fire Chief, or designee, has approved the fire sprinkler plan and notified the Plumbing Inspector of the approval.
- (3) The Fire Chief, or his or her designee, has reviewed the permit for the proper fee(s), as provided in subsection (c).
- (4) The proper fee has been paid to the Town Treasurer and copies of the receipts have been provided to the Plumbing Inspector and the applicant.

- (c) **Fees.** The following fees shall apply to the plan review, inspection, and test witnessing of a fire protection system:

(1)	Single system with not more than one hydraulic calculation.....	\$250
(2)	Review of previously submitted system plans.....	\$200 each
(3)	Fire pumps.....	\$250 each
(4)	System modifications.....	\$25/sprinkler head \$250 maximum
(5)	Additional hydraulic calculations.....	\$150/set
(6)	Underground piping.....	\$25/100 feet \$250 maximum
(7)	Fire hydrants/yard hydrants.....	\$50 each
(8)	Fire hose connections.....	\$25/outlet
(9)	Standpipe system.....	\$250
(10)	All other fire suppression systems (carbon dioxide, dry chemical, foam, halogenated, etc.).....	\$250 each
(11)	Inspections.....	\$75/hour 1 hour minimum

- (12) Test witnessing.....\$75/hour  
1 hour minimum
- (13) Re-inspection fee if test does not commence  
within 30 minutes of scheduled time.....\$75/hour  
1 hour minimum
- (14) Inspection not scheduled during regular  
business hours .....\$150/hour  
1 hour minimum

(d) **Other Inspections.**

- (1) A re-inspection fee of \$50 shall be charged in the event that a scheduled test does not commence within 30 minutes of the scheduled inspection time.
- (2) An inspection not scheduled during regular business hours shall be charged at a rate of 1.5 times the normal hourly salary of the Fire Inspector, with a minimum charge of 2 hours.

**SEC. 15-1-23 FEES FOR BUILDING PERMITS AND INSPECTIONS.**

(a) The following shall be the schedule of fees for building permits issued under this Chapter:

	<b>FEES</b>
(1) Minimum permit fee for all permits	\$57.00
(2) Residence 1 & 2 family & attached garages	.40/sq.ft.
(3) Residences apartments 3 family & over, row housing, multiple family dwellings, institutional	.40/sq.ft.
(4) Residences – additions	.40/sq.ft. or fraction thereof
(5) Local business, institutional & office buildings, or additions thereto	.40/sq.ft. or fraction thereof
(6) Manufacturing or industrial (office areas to be included under (5))	.36/sq. ft. or fraction thereof
(7) Permit to start construction of footings and foundations	\$250.00 multi-family, industrial/commercial \$200.00 1 & 2 family
(8) Agricultural buildings, detached garages and accessory buildings	.25/sq.ft.
(9) All other buildings, structures, alterations, residing, reroofing, repairs where sq. ft. cubic contents cannot be calculated	\$12.00/1,000 valuation (\$375.00 maximum/bldg. for residing and re-roofing)
(10) Heating & incinerator units & woodburning appliances.	\$57.00/unit up to & including 150,000 input BTU units. Additional fees of \$25.00/each for new construction and replacement 50,000 BTU or fraction thereof. \$1,250 maximum/unit
(11) Commercial or industrial exhaust hoods/exhaust systems	\$100.00/unit

Sec. 15-1-23 Fees For Building Permits And Inspections

(12)	Heating/air conditioning distribution system	\$2.40/100 sq. ft. of conditioned area with a \$57.00 minimum
(13)	Air conditioning including permanently installed wall units	\$57.00/unit up to 3 tons 36,000 BTU's. Additional fee of \$25.00/each ton or 12,000 BTU's or fraction thereof. \$1,250.00 maximum/unit
(14)	Wrecking or razing, or interior demolition	\$57.00 minimum +.12/sq.ft. with \$750 maximum for building. Building Inspector may waive fee if structure is condemned.
(15)	Moving buildings over public ways	\$250.00 + .14/sq.ft.
(16)	Fuel tanks	\$13.00/1,000 gallons for installation with \$165.00/maximum tank \$50.00/tank removal, repairs, alterations.
(17)	Re-inspections	\$125.00/inspection
(18)	Special inspections	\$250.00/inspection
(19)	Plan examination	
	a. 1 & 2 family residence	\$170.00/plan
	b. Apartments, 3 family residence, row housing, multi-family buildings	\$250.00 + \$25.00/unit
	c. Commercial/industrial alterations and additions	\$250.00
	d. Additions to 1 & 2 family dwellings	\$90.00
	e. Alterations to 1 & 2 family dwellings	\$57.00
	f. Accessory buildings 120 sq. ft. or more	\$57.00
	g. Decks and swimming pools	\$57.00
	h. Heating plans, lighting & energy calculations to heating plans, submitted separately	\$57.00/each
	i. Priority plan review	At the discretion of the Bldg. Inspector and depending upon work load of the department 2 business days priority plan review may be provided at <b>double</b> the regular rate for plan review fees. Certified municipalities may also charge <b>double</b> the regular State plan review fees in addition to those listed above. Priority plan review shall not apply to submittals requiring review and/or approval by

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|      |   | other governing agencies of the municipality.   |
|      | j. Resubmission of previously approved building plans   | \$57.00 each  |
| (20) | WI Uniform bldg. permit seal  | State charge + \$12.00  |
|      | <u>Note 1.</u> Permits may be obtained individually or on one form in the categories of construction, heating, ventilating & air conditioning, electrical & plumbing. |   |
|      | <u>Note 2.</u> An additional fee for plan review may be assessed at the time of application for renewal of the permit.  |   |
| (21) | Occupancy Permit  |   |
|      | a. Residential  | \$57.00/unit, addition, alteration, or accessory building over 120 sq.ft.               |
|      | b. Commercial/Industrial  | \$190.00/unit   |
|      | c. Temporary Occupancy Permits (6 mo. Or less)  | \$90.00/unit  |
| (22) | Pools-in ground, above ground/spas  | \$12.00/\$1,000 valuation<br>\$57.00 minimum  |
| (23) | Decks   | \$57.00   |
| (24) | Erosion Control fees  |   |
|      | a. 1 & 2 family lots  | \$235.00/lot  |
|      | b. Multi-family units   | \$350.00/building + \$7.50/1000 sq.ft. of disturbed lot area with \$4,250.00 maximum    |
|      | c. Commercial lots  | \$350.00/building + \$7.50/1,000 sq. ft. of disturbed lot area with \$4,250.00 maximum  |
|      | d. Industrial lots  | \$350.00/building + \$7.50/1,000 sq. ft. of disturbed lot area with \$4,250.00 maximum. |
|      | e. Institutional lots   | \$350.00/bldg. + \$7.50/1,000 sq. ft. of disturbed lot area with \$4,250.00 maximum     |
|      | f. Other  | \$57.00 minimum   |
| (25) | Failure to call for a final inspection  | \$125.00/per inspection   |
- (b) **Miscellaneous**
- (1) Triple Fees. Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be triple the fees imposed above.
- (2) Calculations
- a. Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

- b. Cubic contents shall be defined as follows: The volume of the building enclosed by the outer surface of the exterior walls from the top of the footing to the average height of the roof.
  - c. In determining costs, all construction shall be included with the exception of heating, air conditioning, electrical or plumbing work.
- (c) **Neighborhood Planning Surcharge.** A Neighborhood Planning Surcharge equal to thirteen percent (13%) of the total of all fees determined as per (a) above shall be charged to the applicant and collected at the same time that building permit fees as per (a) above are collected, with such surcharge to be in addition to fees charged as per (a) above and with such surcharge to not be limited by any such maximums identified in (a) above.

**SEC. 15-1-24 PLUMBING PERMIT AND INSPECTION FEE SCHEDULE.**

The fees for permits and inspections of plumbing work charged under this Chapter shall be according to the following schedule:

(a)	Minimum fee	\$57.00 with exception for water heater replacement which shall be \$25.00
(b)	Each plumbing fixture	\$14.00
(c)	Outside sanitary sewer	\$75.00 plus \$.55 per foot for each foot over 100 feet
(d)	Outside storm sewer	\$75.00 plus \$.55 per foot for each foot over 100 feet
(e)	Outside water	\$75.00 plus \$.55 per foot for each foot over 100 feet
(f)	Building sewer abandonment	\$57.00
(g)	Septic tank abandonment	\$57.00
(h)	Well abandonment/registration	\$57.00
(i)	Reinspection	\$125.00
(j)	Sanitary Building Drain	\$57.00 plus \$.55 for each foot over 100 feet
(k)	Storm Building Drain	\$57.00 plus \$.55 for each foot over 100 feet

**SEC. 15-1-25 FEES FOR ELECTRICAL PERMITS AND INSPECTION.**

The fees for permits and inspections for electrical work and equipment charged under this Chapter shall be according to the following schedule:

- (a) For new construction of residential buildings with one (1) through (4) residential units, the per unit fee shall include the following unit charge plus an ampere service charge as per (b).
  - (1) Unit Charge:
    - a. Per 1 bedroom residential unit \$55.00
    - b. Per 2 bedroom residential unit \$57.00
    - c. Per 3 bedroom residential unit \$75.00
    - d. Per 4 bedroom residential unit \$95.00

- (b) Ampere Service Charge shall be as follows and shall apply to all new, additional, or altered electrical services.
  - (1) Up to and including 100 ampere service \$55.00 plus \$1.45 per circuit.
  - (2) Over 100 to 200 ampere service \$60.00 plus \$1.45 per circuit.
  - (3) Over 200 to 400 ampere service \$75.00 plus \$1.45 per circuit.
  - (4) Over 400 to 600 ampere service \$85.00 plus \$1.45 per circuit.
  - (5) Over 600 to 800 ampere service \$110.00 plus \$1.45 per circuit.
- (c) Any electrical work for new construction, alterations, or additions to commercial, industrial, or agricultural structures or properties shall be subject to the following fees in addition to (b) above.
  - (1) Electrical work costing \$50.00 to \$500.00 shall be \$3.50 for each \$100.00 of work and \$.50 for each additional \$25.00 of work or fraction thereof.
  - (2) Electrical work costing \$500.00 to \$10,000.00 shall be \$25.00 for the first \$500.00 of work plus \$2.25 for each additional \$100.00 of work or fraction thereof.
  - (3) Electrical work costing over \$10,000.00 shall be \$250.00 plus \$1.25 for each \$100.00 of work or fraction thereof.
- (d) The minimum fee for all electrical work shall be \$57.00.
- (e) The fee for any re-inspection shall be \$125.00.

**SEC. 15-1-26 PARK IMPACT FEES.**

- (a) **Intent.** The intent of this section is to impose an impact fee on developers to pay for the capital costs that are necessary to accommodate land development.
- (b) **Authority.** Authority for this section is provided by Section 66.0617 of the Wisconsin Statutes.
- (c) **Definitions.** In this section:
  - (1) “Capital Costs” means the capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten (10) percent of capital costs may consist of legal, engineering, and design costs unless the Town can demonstrate that its legal, engineering, and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten (10) percent of capital costs. Capital cost does not include other noncapital costs to construct, expand, or improve public facilities or the costs of equipment to construct, expand, or improve public facilities.
  - (2) “Developer” means a person that constructs or creates a land development.
  - (3) “Impact Fees” means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by the Town under this section.
  - (4) “Land Development” means the construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within the Town.
  - (5) “Public Facilities” means parks, playgrounds, and other recreational facilities.
  - (6) “Service Area” means the entire Town.
  - (7) “Building Permit” shall mean the permit required for new residential construction

and additions pursuant to section 15-1-6 of the Caledonia Code of Ordinances. The term building permit, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided that there is no increase in the number of dwelling units resulting therefrom.

- (8) “Needs Assessment” means the assessment of needs required by section 66.0617, Wis. Stats.
- (d) **Needs Assessment.** The Town of Caledonia Public Facilities Needs Assessment for public facilities dated May 6, 2002 as it may be amended and supplemented from time to time, is hereby approved and incorporated by reference. A copy of this document and any amendments or addenda thereto shall be available for inspection in the Town Clerk’s Office, and shall be the basis for the impact fees imposed pursuant to this section.
- (e) **Amount of Impact Fee.** Any developer creating, constructing or relocating additional residential dwelling units within the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the land development.
  - (1) The amount of the fee shall be \$1,000.00 per additional residential dwelling unit to be constructed, created or relocated by the proposed development.
  - (2) The fee shall be imposed as a condition of approval of any building permit for the subject land development and the payment thereof shall be made to the Town prior to the issuance of such building permit.
  - (3) Low cost housing. The impact fee imposed by this section may be waived or reduced by the Town Board upon recommendation by the Plan Commission on new development for low-cost housing in accordance with Section 66.0617 (7), Wis. Stats.
- (f) **Other Means of Financing Park Improvements Reversed.** Pursuant to Section 66.0617 (2)(b), Wis. Stats., the imposition of park facilities impact fees under this section does not prohibit or limit the Town’s authority to finance park facilities by any other means authorized by law.
- (g) **Administration.**
  - (1) **Segregated Account.** There is hereby established a public park, playground, and recreational facility impact fee fund which shall be placed in a segregated, interest-bearing account and shall be accounted for separately from all other funds of the Town.
  - (2) **Expenditures.** Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed. Funds shall not be used for maintenance nor to address any existing deficiencies in park, playgrounds, or other recreational facilities at the time of enactment.
  - (3) **Refund of Impact Fees.** Any park fees collected under this section which are not expended or committed for expenditure within 20 years from the date the park fee was paid, which is a reasonable period of time for the Town Board to plan, finance and provide selected public facilities, shall be refunded to the current owner of the property.
  - (4) The expenditure and use of the impact fee shall be under the control and supervision of the Town Board in conjunction with the Town Parks and Recreation Commission.
- (h) **Appeal.**

- (1) Any person upon whom a park fee is imposed, may, within 15 days of the imposition of the park fee, contest the amount, collection, or use of the park fee by filing a written request with the Town Clerk which describes the nature of the appeal, provides supporting documentation, and specifies the basis upon which the appeal is made.
- (2) At the next regular Town Board meeting, the Town Board shall hear and decide the appeal.
- (3) The Clerk shall notify the appealing party of the time and place of the Town Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.
- (i) **Severability.** If any portion of this section is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this section, which shall remain in full force and effect.

**SEC. 15-1-27 ENGINEERING DEPARTMENT FEES FOR BUILDING PERMITS AND OTHER ENGINEERING SERVICES.**

- (a) The following shall be the schedule of fees for Engineering Department review of building permits and for other engineering services:

		<u><b>FEES</b></u>
(1)	Building Plan and Building Permit Application Review	
a.	Residence-- 1- and 2-family, including attached garages	\$225.00
b.	Residences and/or apartments -- 3- and 4-family	\$285.00
c.	Residences and/or apartments-- 4-family and over, row housing, institutional	\$50.00 per hour plus any direct cost to the Village for outside services, \$4,600 maximum per building, excluding direct costs above.
d.	Commercial, institutional & office buildings, manufacturing or industrial	\$50.00 per hour plus any direct cost to the Town for outside services, \$4,600 maximum per building, excluding direct costs above.
e.	Permit to start construction of footings and foundations	\$250.00
f.	Agricultural buildings, pole barns, detached garages and accessory buildings	\$85.00
g.	Swimming pools, sheds	\$33.00
h.	Priority plan review completed as per 15-1-23(a)(19)i	<b>double</b> the regular rate identified in Section 15-1-27 (a)(1) a. through g.

- i. Resubmission of previously approved building plans \$125.00 each
- j. Residential additions where the exterior is modified \$75.00
- (2) Oversized Garage Application Fee \$175.00
- (b) **Miscellaneous**
  - (1) Triple fees. Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be triple the fees imposed above.
  - (2) Payment of fees. All fees, except 15-1-27(a)(2), shall be paid prior to or at the time of issuance of the related permit. The fee for 15-1-27(a)(2) shall be paid at time of submission of the application.

**SEC. 15-1-28 CALEDONIA WIND ORDINANCE.**

- (a) **Intent.** The intent of this Section is to regulate the placement of and access to wind energy conversion systems for the purposes of protecting the health and safety of individuals on adjacent properties, as well as the general public.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) Electrical Interconnection: The point at which the WECS electrical system is connected to an existing electrical distribution system.
  - (2) High Wind Speed: Any wind speed above which the WECS is designated to reduce its output. For WECS not designed to reduce its output, then high wind speed shall be winds in excess of forty (40) miles per hour.
  - (9) Out of Balance Condition: A condition under which unacceptable vibration occurs due to normal rotor rotation.
  - (4) Rotor: A system of rotating aerodynamic elements attached to a single shaft that converts the kinetic energy in the wind into mechanical shaft energy.
  - (5) Rotor Radius: The distance from the rotor axis to the outermost point on the blade.
  - (6) Rotor diameter: Twice rotor radius.
  - (7) Survival Wind Speed: Same as maximum design wind speed.
  - (8) To Feather: Method of controlling the speed of which the WECS is designed to operate by varying the angle of the blades in respect to wind direction.
  - (9) Wind Energy Conversion System (WECS): Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.
- (c) **Permits Required.**
  - (1) A zoning permit shall be obtained from the local zoning jurisdiction to allow construction of a wind energy conversion system.
  - (2) A WECS permit shall be obtained from the local building inspector for the construction of all wind energy conversion systems.
- (d) **Plans to be Submitted.** Application for the permit shall include the following:
  - (1) Property lines.
  - (2) Proposed location of WECS.
  - (3) Location of all existing structures on sites.
  - (4) All above-ground utility lines within a radius equal to the height of the WECS.
  - (5) Schematic of electrical system associated with the WECS including all existing and

- proposed electrical interconnections.
- (6) All underground utility lines on the site.
  - (7) Dimensional representation of the structural components of the tower construction, including the base and footings.
  - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design data.
  - (9) Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as defined by the Uniform Building Code.
- (e) **Wind Access.** Wind access specifications are subject to state regulatory requirements.
  - (f) **Tower Height Restrictions.** There are no maximum tower height restrictions, except within flight zones where FAA restrictions on structures apply.
  - (g) **Climbing Towers, Tower Access.** Access to towers shall be controlled by fences or other anticlimbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating electrical shock hazard shall be placed on the tower. Wording of sign: "Warning. Electrical shock hazard. No unauthorized persons in tower. No trespassing."
  - (h) **Tower Construction.** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code, including, but not limited to, Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41 and any future amendments and/or revision to same.
  - (i) **Utility Interconnection.** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electric utility's then-current service regulations applicable to WECS. These standards are subject to review by the Public Service Commission of Wisconsin. There is no need for additional local regulation of the electrical interconnection of a wind system with the electric utility.

#### **SEC. 15-1-29 ONE- AND TWO-FAMILY DWELLING CODE.**

- (a) **Application of Provisions.**
  - (1) Title. This Section shall be known as the "One- and Two-Family Dwelling Code" of the Town of Caledonia.
  - (2) Purpose. The purpose and intent of this Section is to:
    - a. Exercise jurisdiction over the construction and inspection of new one (1) and two (2) family dwellings and additions to existing one (1) and two (2) family dwellings;
    - b. Provide plan review and on-site inspections of one (1) and two (2) family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations;
    - c. Establish and collect fees to defray administrative and enforcement costs;
    - d. Establish remedies and penalties for violations; and
    - e. Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Industry, Labor and Human Relations.
- (b) **State Uniform Dwelling Code Adopted.** The Administrative Code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 25 of the Wisconsin Administrative Code, whose effective dates are

generally June 1, 1980, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modification of the Administrative Code provisions incorporated herein are intended to be made part of this ordinance to secure uniform state-wide regulation of one (1) and two (2) family dwellings in the Town of Caledonia. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

(c) **Definitions.** The following definitions shall be applicable in this Section:

- (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) Department. "Department" means the Department of Industry, Labor and Human Relations of the State of Wisconsin.
- (4) Dwelling. "Dwelling" means:
  - a. Any building, the initial construction of which is commenced on or after the effective date of this ordinance, which contains one (1) or two (2) dwelling units; or
  - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) One- or Two-Family Dwelling. A "one- or two-family dwelling" means a building structure which contains one (1) or two (2) dwelling units, each intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household, to the exclusion of all others.
- (7) Person. "Person" means an individual, partnership, firm or corporation.
- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

- |   |  |
|---|--|
| Wisconsin Administrative Code Ch. ILHR 20 | -- Administration and Enforcement                      |
| Wisconsin Administrative Code Ch. ILHR 21 | -- Construction Standards                              |
| Wisconsin Administrative Code Ch. ILHR 22 | -- Energy Conservation Standards                       |
| Wisconsin Administrative Code Ch. ILHR 23 | -- Heating, Ventilating and Air Conditioning Standards |
| Wisconsin Administrative Code Ch. ILHR 24 | -- Electrical Standards                                |
| Wisconsin Administrative Code Ch. ILHR 25 | -- Plumbing and Potable Water Standards                |

(d) **Method of Enforcement.** For the purpose of administering and enforcing the provisions of this Section and the Uniform Dwelling Code, the Town does designate the Department of the Building Inspection created under Section 15-1-5 of this Code of Ordinances.

(e) **Administration.**

- (1) Building Inspector. The Building Inspector shall administer and enforce all provisions of this Section and the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under Section ILHR 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (2) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board. Any subordinate hired to inspect buildings shall be certified under Ch. ILHR 26, Wis. Adm. Code, by the Department.
- (3) Powers. The Building Inspector or an authorized certified agent may, at all reasonable hours, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.
- (4) Records. The Building Inspector shall perform all administrative tasks, required by the Department under the Uniform Dwelling Code.

(f) **Building Permits.**

- (1) Building Permits Required. No one (1) or two (2) family dwelling of which initial construction shall be commenced hereafter shall be built, enlarged, altered or repaired unless a building permit for that work shall first be obtained by the owner, or his agent, from the Building Inspector as provided in Section 15-1-6 of this Code of Ordinances. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department.
- (2) Repairs and Additions Requiring Permit. No addition, alteration or repair to an existing one (1) or two (2) family dwelling not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for this work shall first be obtained by the owner, or his agent, from the Building Inspector as provided in Section 15-1-6 of this Code of Ordinances.
- (3) Submission of Plans. The applicant shall submit two (2) sets of plans for all new or repairs or additions to one (1) and two (2) family dwellings at the time that the building permit application is filed and shall otherwise comply with Section 15-1-6 of this Code of Ordinances.
- (4) Issuance of Permit. If the Building Inspector finds that the proposed building or repair or addition complies with all Town ordinances and the Uniform Dwelling Code, the Inspector shall officially approve the application, and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

- (g) **Fees for Building Permits and Inspection.** Prior to issuance of a building permit, the applicant shall pay the fees as otherwise provided in this Chapter, unless the Town Board, for good cause shown, waives or modifies such fee on a specific permit for a specified reason(s) and provided no such waiver or modification shall be granted that is discriminatory in nature.

(h) **Violations and Penalties.**

- (1) No person shall erect, use, occupy or maintain any one (1) or two (2) family dwelling in violation of any provision of this Section or the Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the Section shall, upon conviction, be subject to a forfeiture of not less than Ten Dollars (\$10.00), nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not more than ninety (90) days or until such forfeiture and costs are paid.
  - (2) If an inspection reveals a noncompliance with this Section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Section ILHR 20.10(1)(c), Wis. Adm. Code.
  - (3) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
  - (4) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Section or the Uniform Dwelling Code.
- (i) **Appeal to Town Board.** Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination of the Town Board. The appeal shall be governed by the procedures set forth in Sections 68.10 to 68.12, inclusive, of the Wisconsin Statutes, and Title 4 of this Code of Ordinances.
- (j) **Liability for Damages.** This Section shall not be construed as an assumption of liability by the Town for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.
- (k) **Severability.** If any Section, clause, provision or portion of this Section or of Chapters ILHR 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

**SEC. 15-1-30 VIOLATIONS AND PENALTIES.**

- (a) It shall be unlawful for any person to engage in any construction, building, electrical work, plumbing work or similar activity in the Town of Caledonia without first obtaining any permit or permits and paying the appropriate fees as provided in this Chapter.
- (b) It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Chapter, or to cause, permit or suffer any such violations to be committed.
- (c) It shall be unlawful to commence work prior to obtaining a permit therefor. Triple fees shall be charged if work is commenced prior to the issuance of a permit to do so.
- (d) Any structure or portion thereof not conforming to the requirements of this Chapter is declared to be a public nuisance.

Except as otherwise specifically provided in this Chapter, any person violating any of the provisions of this Chapter shall, upon conviction, be subject to a forfeiture of not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for the period of not more than thirty (30) days, or until such forfeiture and costs are paid. 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. 15-1-31 REGULATION OF PORTABLE TOILETS AND CONSTRUCTION DEBRIS RECEPTACLES AT NEW CONSTRUCTION SITES.**

This Section applies to portable toilets and construction debris receptacles at the site of any new construction within the Town regardless of the zoning of such site. For purposes of this Section only, “new construction,” means the construction of any new building intended for residential, commercial or industrial use, and not the construction of structures accessory thereto; “adjacent properties,” means those properties sharing a common property line, and not those physically separated by any road, stream or other public right-of-way.

(a) **Portable Toilets.**

- (1) Intent. The intent of this subsection is to ensure that individuals have access to hygienic lavatory facilities at the sites of new construction within the Town.
- (2) Duration. Portable toilets must be delivered to the new construction site after any footings or foundation is poured and back-filling is completed, and prior to any further work taking place at the site. The portable toilet must remain at the site until an occupancy permit therefor is issued. At the time of application for the first permit for any new construction, the applicant must produce evidence that a portable toilet has been rented for the subject property.
- (3) Location. Portable toilets must be located outside of any road right-of-way. A portable toilet must also be located where it can be easily accessed and serviced and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.
- (4) Number And Servicing Frequency.  
 Each new construction site shall be served by at least one portable toilet. A single portable toilet shall be sufficient to serve approximately ten people who are regularly at the site over the course of a forty hour week. Portable toilets must be serviced, i.e. cleaned, restocked of paper products, and emptied of waste, at least once per week. A record of the portable toilet’s servicing dates must be kept and must be made available for review in a timely manner upon request.
  - a. If more than ten people are, or are regularly expected to be, at the new construction site, or if ten or fewer people are, or are regularly expected to be, at the site for more than forty hours per week, the number of portable toilets required or the servicing frequency thereof must be increased proportionately.
  - b. If a single property owner or contractor is undertaking new construction at two adjacent properties, a single portable toilet, subject to the above man-

hour guidelines set forth in subparagraph (a), may serve the two adjacent properties, provided that when an occupancy permit is issued for one of the adjacent properties, the portable toilet must be moved to the other property, if construction is continuing thereat, and located as set forth in paragraph (2) above.

(b) **Construction Debris Receptacles.**

- (1) Intent. The intent of this subsection is that all construction debris at new construction sites shall be stored in a suitable location so as to prevent any such debris from entering the surrounding environment.
- (2) Size and construction. Construction debris receptacles shall be constructed of metal, plywood, plastic or other material sufficiently sturdy to withstand the construction process and exposure to the elements without allowing any construction debris to enter the surrounding environment. Metal Construction debris receptacles, i.e. “dumpsters,” shall have a volume of at least 10 cubic yards and construction debris receptacles made of plywood, plastic or other material shall have a minimum volume of 9.4 cubic yards.
- (3) Duration. Construction debris receptacles must be located at the new construction site before any exterior framing work begins. Following the installation of an operational garage door, for residential construction, or the completion of a loading dock/door or other suitable interior space, for commercial or industrial construction, construction related debris shall be stored in such enclosed, interior space if the construction debris receptacles have been removed from the site. Whenever the site is unoccupied, the garage or other door must remain closed so as to prevent any construction debris stored therein from entering the surrounding environment.
- (4) Location. Construction debris receptacles must be located outside of any road right-of-way. Construction debris receptacles must also be located where they can be easily accessed and serviced, i.e. emptied and/or removed/replaced, and, unless circumstances otherwise dictate and the Building Inspector approves in advance, at least 15 feet from the nearest property line of any adjacent property.
- (5) Number, Size, and Servicing Frequency. Every new construction site shall have at least one construction debris receptacle conforming to the specifications and limitations contained in this Section, or two construction debris receptacles that, taken together, contain the minimum volume of a single construction debris receptacle as set forth above. Construction debris receptacles shall be adequately sized and serviced frequently enough so as to completely contain the construction debris therein and prevent any such construction debris from entering the surrounding environment due to rain, wind, etc.

- (c) **Violations.** If the Building Inspector finds a new construction site to be in violation of any provision of this Section, he or she may issue an immediate stop-work order, may refuse to perform or to return to the site for any additional inspections, or, in his or her discretion, may allow the builder and/or property owner such time as is reasonable under the circumstances to remedy the violation. In lieu of, or in addition to, the issuance of a stop-work order under the subsection, the Building Inspector may also cause the property owner or contractor to be issued one or more citations under Section 15-1-30. Each separate violation of any provision of this Section, and each day a violation continues, shall constitute a separate offense.

## CHAPTER 2

### Construction Site Erosion Control

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-2-1	Authority		
15-2-2	Findings of Fact		
15-2-3	Purpose		
15-2-4	Applicability and Jurisdiction		
15-2-5	Definitions		
15-2-6	Technical Standards		
15-2-7	Performance Standards		
15-2-8	Permitting Requirements, Procedures and Fees		
15-2-9	Erosion and Sediment Control Plan, Statement and Amendments		
15-2-10	Fee Schedule		
15-2-11	Inspection		
15-2-12	Enforcement		
15-2-13	Appeals		
15-2-14	Severability		
15-2-15	Effective Date		

#### **SEC. 15-2-1 AUTHORITY.**

- (a) This ordinance is adopted under the authority granted by Sections 60.627 and 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under Sections 60.62 and 61.35, Wis. Stats. that relate to construction site erosion control. Except as otherwise specified in Sections 60.627 and 61.354, Wis. Stats, Sections 60.62 and 61.35, Wis. Stats, 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 Town Board.
- (c) The Town Board hereby designates the Town Engineer to administer and enforce the provisions of this ordinance.
- (d) The requirements of this ordinance do not pre-emp 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 ss. 281.16 and 283.33, Wis. Stats.
  - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

**SEC. 15-2-2 FINDINGS OF FACT.**

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

**SEC. 15-2-3 PURPOSE.**

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; 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 activities to waters of the state in the Town of Caledonia.

**SEC. 15-2-4 APPLICABILITY AND JURISDICTION.**

(a) **Applicability.**

- (1) This ordinance applies to the following land disturbing construction activities except as provided under sub. (2):
  - 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. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. Comm 21.125 or 61.115, Wis. Adm. Code.
  - 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 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 subsection 15-2-4(a)(1)d is not violated.
- (3) Notwithstanding the applicability requirements in Subsections 15-2-4(a)(1) and (2), this ordinance applies to construction sites of any size that, in the opinion of the Town Engineer, are likely to result in runoff that exceeds the design capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) **Jurisdiction.**

This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Town of Caledonia, as well as the extraterritorial division of land subject to an ordinance enacted pursuant to s. 236.45(2) and (3), Wis. Stats., if applicable.

(c) **Exclusions.**

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

**SEC. 15-2-5 DEFINITIONS.**

- (a) **“Agricultural facilities and practices”** has the meaning in s. 281.16(1), Wis. Stats.
- (b) **“Average annual rainfall”** means a calendar year of precipitation, excluding snow, which is considered typical.
- (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 Town Engineer is routinely and customarily open for business.
- (e) **“Cease and desist order”** means a court-issued order to halt a land disturbing construction activity that is being conducted without the required permit.
- (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.

- (g) **“Division of land”** means the creation from one parcel of two or more parcels or building sites.
- (h) **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (i) **“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.
- (j) **“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.
- (k) **“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.
- (l) **“Governing Body”** means the Town board of supervisors.
- (m) **“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.
- (n) **“MEP” or “maximum extent practicable”** means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (o) **“Performance standard”** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (p) **“Permit”** means a written authorization made by the Town Engineer to the applicant to conduct a land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (q) **“Pollutant”** has the meaning given in s. 283.01 (13), Wis. Stats.
- (r) **“Pollution”** has the meaning given in s. 281.01 (10), Wis. Stats.
- (s) **“Responsible party”** means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- (t) **“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.
- (u) **“Sediment”** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (v) **“Separate storm sewer”** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (1) Is designed or used for collecting water or conveying runoff.
- (2) Is not part of a combined sewer system.
- (3) Is not draining to a storm water treatment device or system.
- (4) Discharges directly or indirectly to waters of the state.
- (w) **“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.
- (x) **“Stop work order”** means an order issued by the Town Engineer which requires that all construction activity on the site be stopped.
- (y) **“Technical standard”** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (z) **“Waters of the state”** has the meaning given in s. 281.01 (18), Wis. Stats.

#### **SEC. 15-2-6 TECHNICAL STANDARDS.**

- (a) **Design Criteria, Standards and Specifications.**

All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications set forth in any of the following:

  - (1) Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision, and any amendments thereto.
  - (2) Other 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.
  - (3) For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (b) **Other Standards.** Other technical standards not identified or developed in sub. (a) may be used provided that the methods have been approved by the Town Engineer.

#### **SEC. 15-2-7 PERFORMANCE STANDARDS.**

- (a) **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 15-2-9, that incorporates the requirements of this section.
- (b) **Plan.** A written plan shall be developed in accordance with Sec. 15-2-9 and implemented for each construction site.
- (c) **Erosion And Other Pollutant Control Requirements.** The plan required under sub. (b) shall include the following:
  - (1) BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls, until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or

in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

- (2) Notwithstanding par. (1), if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.
  - (3) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
    - a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.
    - b. Prevent the discharge of sediment as part of site de-watering.
    - c. Protect the separate storm drain inlet structure from receiving sediment.
  - (4) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. 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 paragraph.
- (d) **Location.** The BMPs used to comply with this section shall be employed prior to runoff entering waters of the state at the locations designated in the approved plan.
- (e) **Alternate Requirements.** The Town Engineer may establish storm water management requirements more stringent than those set forth in this section if the Town Engineer determines that an added level of protection is needed for sensitive resources.

#### **SEC. 15-2-8 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 Town Engineer.
- (b) **Permit Application and Fees.** At least one responsible party desiring to 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. 15-2-9 and shall pay an application fee, as established in section 15-2-10, to the Town Engineer. By submitting an application, the applicant is authorizing the Town Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.

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

The Town 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 sub. (b), the Town Engineer shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
- (2) If the permit application and plan are approved, the Town Engineer shall issue the permit.
- (3) If the permit application or plan is disapproved, the Town Engineer shall state in writing the reasons for disapproval.
- (4) The Town Engineer may request additional information from the applicant. If additional information is submitted, the Town Engineer shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
- (5) Failure by the Town 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 Town Engineer.

(d) **Surety Bond.** As a condition of approval and issuance of the permit, the Town 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 control plan and any permit conditions.

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

- (1) Notify the Town Engineer within 48 hours prior to commencing any land disturbing construction activity.
- (2) Notify the Town Engineer of completion of any BMPs within 14 days after their installation.
- (3) Obtain permission in writing from the Town Engineer prior to any modification pursuant to Sec.15-2-9(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, stormwater 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 erosion control 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 document the findings of the inspections in a site erosion control log with 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 Town 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 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 Town Engineer in addition to the requirements set forth in sub. (e), where needed to assure compliance with the performance standards in Sec.15-2-7.
- (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 Town Engineer may extend the period one or more times for up to an additional 180 days. The Town Engineer may require additional BMPs as a condition of the 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 Town Board.
    - b. Grading and drainage plans shall have been submitted to the Town 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 Town's standard development agreement, for the entire amount of subdivision improvements plus contingency. Where the cost for the improvements is not yet known, the Town 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 Town 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 Town Attorney.
- h. The Town Board must approve issuance of the permit. A copy of the approved permit shall be provided to the Caledonia Storm Sewer Utility District Commission.
  - i. Additional conditions may be required by the Town Engineer or Town Attorney to address unforeseen or special circumstances.
  - j. The Subdivider, in compliance with the above, may be permitted to install sewer utilities, water utilities and storm sewer utilities, as well as do initial grading and road work. No asphalt work shall take place until after approval of final plans, final plat approval and execution of the required development agreement.
  - k. Failure to comply with these provisions shall subject the violator to the enforcement remedies set forth in Section 15-2-12 including, without limitation, revocation of the permit and prosecution for said violations.”

**SEC. 15-2-9 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.**

**(a) Erosion and Sediment Control Plan.**

- (1) An erosion and sediment control plan shall be prepared and submitted to the Town Engineer.
- (2) The erosion and sediment control plan shall be designed to meet the performance standards in Sec.15-2-7 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. The 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 site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
  - c. A sequence of construction of the development 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 site and the total area of the site that is expected to be disturbed by construction activities.

- e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
  - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
  - g. Existing data describing the surface soil as well as subsoils.
  - h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
  - i. 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 plan.
  - f. Location of areas where stabilization practices will be employed.
  - g. Areas which will be vegetated following construction.
  - h. Extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.
  - i. Locations of all surface waters and wetlands within one mile of the construction site.
  - 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 controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
  - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the

discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Town Engineer, structural measures shall be installed on upland soils.

- c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
  - d. Trapping of sediment in channelized flow.
  - e. Staging construction to limit bare areas subject to erosion.
  - f. Protection of downslope drainage inlets where they occur.
  - g. Minimization of tracking at all sites.
  - h. Clean up of off-site sediment deposits.
  - i. Proper disposal of building and waste materials at all sites.
  - j. Stabilization of drainage ways.
  - k. Control of soil erosion from dirt stockpiles.
  - l. Installation of permanent stabilization practices as soon as possible after final grading.
  - m. Minimization of dust to the maximum extent practicable.
- (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.

(b) **Erosion and Sediment Control Plan Statement.**

For each construction site identified under Sec.15-2-4(a)(3), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Town Engineer. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

- (c) **Amendments.** The applicant shall amend the 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 plan.
  - (2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
  - (3) The Town Engineer notifies the applicant of changes needed in the plan.

**SEC. 15-2-10 FEE SCHEDULE.**

The fees referred to in other sections of this ordinance shall be established by the Town Board and may from time to time be modified by resolution. A schedule of the fees established by the Town Board shall be available for review in the Town Hall of the Town of Caledonia at 6922 Nicholson Road, Caledonia, WI 53108.

**SEC. 15-2-11 INSPECTION.**

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Town Engineer may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

**SEC. 15-2-12 ENFORCEMENT.**

- (a) The Town Engineer may post a stop-work order if any of the following occurs:
  - (1) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
  - (2) The erosion and sediment control plan is not being implemented in a good faith manner.
  - (3) The conditions of the permit are not being met.
- (b) If the 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 Town Engineer may revoke the permit.
- (c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Town Engineer or if a responsible party violates a stop-work order posted under sub. (a), the Town Engineer may request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.
- (d) The Town Engineer may retract the stop-work order issued under sub. (a) or the permit revocation under sub. (b).
- (e) After posting a stop-work order under sub. (a), the Town Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Town 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 Town Engineer, plus interest at the rate authorized by Town 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 ch. 66, Wis. Stats.
- (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. 15-2-13 APPEALS.**

Review of any determinations made under this ordinance shall be pursued in accordance with Title 4, Chapter 1 of the Town's Code of Ordinances.

**SEC. 15-2-14 SEVERABILITY.**

If a court of competent jurisdiction judges 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. 15-2-15 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 Town Board of the Town of Caledonia on the 18<sup>th</sup> day of October, 2005.

## CHAPTER 3

### Fair Housing

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-3-1	Statement on Fair Housing		
15-3-2	Definitions as Used in This Chapter		
15-3-3	Unlawful Practices		
15-3-4	Exemptions		
15-3-5	Enforcement		

#### **SEC. 15-3-1 STATEMENT ON FAIR HOUSING.**

It is hereby declared to be the policy of the Town of Caledonia to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Sec. 66.432, Wis. Stats.

#### **SEC. 15-3-2 DEFINITIONS AS USED IN THIS CHAPTER.**

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (a) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers,
- (b) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or-any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, as, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (a) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (b) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (c) **Real Estate Broker/Real Estate Salesman.** Any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to

negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

- (d) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### **SEC. 15-3-3 UNLAWFUL PRACTICES.**

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Town for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (a) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (c) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of injury in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation,

- which indicates any discrimination or any intent to make a discrimination; or
- (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
  - (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental release will or may result in either:
    - (1) The lowering of property values in the area;
    - (2) An increase in criminal or antisocial behavior in the area; or
    - (3) A decline in the quality of schools serving the area.
  - (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Town for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
  - (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or reducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or .
  - (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or
  - (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
  - (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
  - (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
  - (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes or such loan or other financial assistance which is to be made or given; or
  - (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility

relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place or birth.

**SEC. 15-3-4 EXEMPTIONS.**

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owner or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
  - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
  - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
  - (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

**SEC. 15-3-5 ENFORCEMENT.**

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Town Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Town Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the Town Board to forward the complaint and findings to appropriate state and federal agencies.

## CHAPTER 4

### Grievances Regarding Access to Public Buildings by Handicapped Persons

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-4-1	Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons		

#### **SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.**

- (a) **Statement of Purpose.** The Town of Caledonia is committed to providing adequate access by handicapped or visually impaired persons to public buildings. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); Section 504 states, in part, that “no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”
- (b) **Complaint Procedure.**
- (1) Complaints should be filed with the Town Administrator, who has been designated to coordinate Section 504 Compliance.
  - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
  - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Town Administrator who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
  - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
  - (6) The Section 504 coordinator shall maintain the files and records of the Town relating to the complaints filed.
- (c) **Appeals.**
- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Town Administrator.
  - (2) The grievance shall be heard by the Town Board within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the Town Hall at a

Sec. 15-4-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons

convenient time fixed by the Board. The Town Administrator shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.

- (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and, upon request of the applicant, shall, be recorded.
  - (4) The decision of the Town Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three (3) working days of the close of the hearing and the Town Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Town Administrator.
- (d) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Town complies with Section 504 regulations.

## CHAPTER 5

### Fences

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-5-1	Declaration of Policy	2000-12 2006-13	5/2/00 12/05/06
15-5-2	Definitions	2000-12	5/2/00
15-5-3	Design Characteristics	2000-12 2006-13	5/2/00 12/05/06
15-5-4	Location	2000-12	5/2/00
15-5-5	Permits	2000-12 2003-02	5/2/00 2/03
15-5-6	Exceptions	2000-12	5/2/00
15-5-7	Variance Requests	2000-12	5/2/00
15-5-8	Appeal from Review of Initial Determination	2000-12	5/2/00
15-5-9	Penalties	2000-12	5/2/00
15-5-10	Severability	2000-12	5/2/00

#### 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 is to provide a policy as to fences currently located within public drainage, sanitary sewer or water easements or public rights-of-way within the Town 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 road 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 road 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.** Any sanitary district or utility district operating in the Town 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 road 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 Town ordinance.
    - b. A fence within a back or side yard or located more than seventy-five (75) feet from the public road 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 Town 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 Town 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 road 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 road right-of-way if any portion of a fence extending along the public road is within fifty (50) feet of the public road 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 Town Engineer shall determine which side of a fence is the “good” side and shall provide property owners with his determination upon request. The Town Engineer may require the property owner to provide sufficient evidence to make said determination. The determination of the Town Engineer may be appealed to

the Public Works Committee of the Town 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 water easement or within a 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 required 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 Town of Caledonia without first obtaining a permit therefor from the Town of Caledonia as herein provided.
- (b) Any person desiring a permit for the installation or construction of a fence within the Town of Caledonia shall file a written application form provided by the Town with the official designated in the Town of Caledonia Administrative Policy & Procedure Manual.
- (c) A permit fee in an amount as established by and as may be modified from time to time by resolution of the Town Board of the Town of Caledonia shall be paid at the time of the filing of the application for a permit hereunder.
- (d) A 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 Town 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 permit and the provisions of this chapter.
- (f) As a condition of receiving a permit under this section, the owner agrees to defend, indemnify and hold the Town 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 a public right-of-way shall not be permitted and shall be removed.
- (b) A fence currently located within a public drainage, sanitary sewer or water easement in the Town of Caledonia shall be permitted to remain unless in the opinion of the Town 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 a District, the Town Engineer shall consult with such District in rendering an opinion under this subsection. The determination of the Town 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 Town, because of a violation of this Chapter, may be replaced at the cost of the owner if in the opinion of the Town Engineer the fence could not obstruct the purpose for which the public drainage, sanitary sewer or water 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 permit is applied for and issued as provided in Section 15-5-5.
- (d) The Town Engineer may order any fence located within the Town 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 Town 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 Town 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 Town of Caledonia to enter upon the premises and complete such action. Any cost to the Town 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 permit is obtained for the construction of the replacement fence. No permit fee shall be required for a permit for a replacement fence.
- (g) As an exception to any notice requirements set forth above, the Town Chairperson 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 Town Chairperson, upon the recommendation of the Town Engineer.

#### **SEC. 15-5-7 VARIANCE REQUESTS**

The Town 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 Town Engineer, based upon the special circumstances of the particular case and the criteria set forth in the Town 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 water easement granted to a District, a written recommendation indicating such District's position and the reasons therefor shall be obtained from each such District and filed with the Town Engineer before a variance request will be considered. The Town Engineer may accept or reject the District's recommendation, as he deems appropriate. Any person shall have a right to request a review of the Town Engineer's decision by filing a request for review in accordance with Title 4 of the Code of Ordinances. If the Town Engineer rejects a District's recommendation and grants a variance request, notice of the decision shall be given to each District affected by the decision and the variance shall not be effective until at least five (5) working days after notice of the decision is delivered to each District.

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

The Town 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 Town Board shall issue its final determination as to the existence of an obstruction, the order of the Town Engineer to remove or repair a fence, or the decision of the Town Engineer with respect to a variance request. As to any appeal involving a drainage, sanitary sewer or water easement granted to a District, a written recommendation indicating such District's position and the reasons therefor shall be obtained from each such District and filed with the Town Board before a hearing under this Section may be scheduled. The Town Board may accept or reject the 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.

## CHAPTER 6

### Property Address Signs

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
15-6-1	Property Address Signs Required		

#### **SEC. 15-6-1 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, use Arabic numerals, 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, with numerals of the proper size as required for visible buildings as provided in this section.
- (f) **Enforcement and Penalty.** The Town 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.