

TITLE 15

BUILDING CODE

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CHAPTER 1

Building Code

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SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- a) **Title.** This Chapter shall be known as the Building Code of the Town of Fond du Lac and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all

such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

c) **Scope.**

- 1) New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Town and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.
- 2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Children's play structures and agricultural buildings are excluded from regulation under this Chapter.
- 3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

SEC. 15-1-2 BUILDING PERMITS AND INSPECTION.

a) **Permit Required.**

- 1) General Permit Requirement. No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his designee. Prior to commencing any of the following work, the owner or his agent shall obtain a valid permit for:
 - a. New buildings;
 - b. Additions that increase the physical dimensions of a building including decks;
 - c. Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems. Permits are required for residing;
 - d. Exempted from fees are reroofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof;

- e. Any electrical wiring for new construction or remodeling, except for normal repairs;
- f. Any HVAC for new construction or remodeling, except for normal repairs;
- g. Any plumbing for new construction or remodeling, except for normal repairs.

2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:

- a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition 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 Chapter applicable to such occupancy and use and given type of construction.
- b. 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 existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
- c. Alterations: When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, 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.
- d. 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 Chapter are complied with.
- e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Permit Issuer or his designee and shall state the name and address of the owner of the

land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

c) **Site Plan Approval.**

- 1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto under this Chapter.
- 2) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Town Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Chapter.
- 3) Effect on Municipal Services. Before granting any site approval, the Town Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities.

- 4) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Town Clerk within ten (10) days of the denial.
- d) **Dedicated Street and Approved Subdivision Required**. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board.
- e) **Utilities Required**.
- 1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment or electrical hookup is presented to the Building Inspector.
 - 2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - 3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- f) **Plans**. With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Permit Issuer. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall remain on file in the office of the Permit Issuer. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter Comm 20, Wis. Adm. Code.
- g) **Waiver of Plans; Minor Repairs**.

- 1) Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
- 2) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than Five Hundred Dollars (\$500.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

h) Approval of Plans.

- 1) If the Building Inspector determines that the building will comply in every respect with all Ordinances, Codes and orders of the Town and all applicable laws and orders of the State of Wisconsin, the Permit Issuer shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. Once approved, the plans and specifications shall not be altered in any respect which involves any of the abovementioned Ordinances, Codes, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Permit Issuer.
- 2) If adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

i) Inspections.

- 1) The following inspections shall be requested forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. Drain tile/basement floor.
 - d. Under floor plumbing/electric service.
 - e. Insulation.
 - f. Final carpentry, HVAC, electric and plumbing.
 - g. Erosion control.

2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

j) **Revocation of Permits.**

1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.

b. Whenever the continuance of any construction becomes dangerous to life or property.

c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.

e. 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.

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.

3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

4) 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 Chapter, 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 Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

- l) **Report of Violations.** Town officers shall report at once to the Code Enforcement Officer any building which is being carried on without a permit as required by this Chapter.
- m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED.

a) Adoption of Codes.

- 1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. Comm16-17	Electrical Code
Chs. Comm 20-25	Uniform Dwelling Code
Ch. Comm 26	Inspection Certificati
Chs. Comm 50-64	Commercial Building and Heating, Ventilating and Air Conditioning Code
Ch. Comm 66	Multi-Family Code
Ch. Comm 69	Barrier Free Design
Ch. Comm70	Historic Building Code
Chs. Comm 81-86	Uniform Plumbing Code
Chs. Comm 75-70	Existing Building Code

- 2) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town.

b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

- 1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
- 2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Town Assessor.
- 3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 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 Chapter.
- 5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

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

- 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 Commerce.
- 4) Dwelling. "Dwelling" means:
 - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter 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 (1) or Two (2) Family Dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households 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:

Wis. Adm. Code Chapter Comm 20	Administrative and Enforcement
Wis. Adm. Code Chapter Comm 21	Construction Standards
Wis. Adm. Code Chapter Comm 22	Energy Conservation Standards
Wis. Adm. Code Chapter Comm 23	Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter Comm 24	Electrical Standards
Wis. Adm. Code Chapter Comm 25	Plumbing and Potable Water Standards

d) Method of Enforcement.

- 1) Certified Inspector to Enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under the Wisconsin Administrative Code.
- 2) Subordinates. The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
- 3) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- 4) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.
- 5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall

keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

SEC. 15-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

- a) **Portions of State Building Code Adopted.** Chapters Comm 50 through Comm 64, Comm 66, Comm 69, Comm 75-79 and Comm 70, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said regulations incorporated herein are intended to be made a part of this Code.
- b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. Comm 81,82, 83 and Comm 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- c) **State Electrical Code Adopted.**
 - 1) Wis. Adm. Code Comm 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - 2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- d) **Conflicts.** If, in the opinion of the Building Inspector and the Town Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

SEC 15-1-5 ELECTRICAL PERMITS AND INSPECTIONS.

- a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code.

- b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Permit Issuer and shall state clearly the work planned, alterations to be made and equipment and materials to be used. All later deviations from such plan shall be submitted to and approved by the Building Inspector.
- c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Building Inspector who shall at once inspect the same. Upon completion of such wiring, the Building Inspector shall be notified and shall inspect the finished work. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Permit Issuer. No such electrical equipment shall be used until such certificate has been issued.

SEC. 15-1-6 PLUMBING PERMITS AND INSPECTIONS.

- a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:
 - 1) As defined in Sec. 145.01(10), Wis. Stats.
- b) **Inspectors.** The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his examination and inspection. The plumber in charge must make arrangements to enable the Plumbing Inspector to reach all parts of the building and must provide the equipment and labor for making such tests under the supervision of the Inspector. A plumbing contractor who calls for an inspection and the work is not completed may be assessed fifty dollars (\$50) per inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of Comm. 82.21, Wis. Adm. Code, is necessary, he may require a water or air test on all or part of the installation. The Plumbing Inspector shall enforce all provisions of the Plumbing Code and all other applicable State and Town plumbing provisions and shall make such inspections, tests and issues such orders as may be necessary for such enforcement. In the discharge of his duties, the Plumbing Inspector or his authorized agent may enter any building upon presentation of proper credentials during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his duties and any person so interfering shall be in violation of this Code and subject to the penalties provided herein.
- c) **Applications and Permits.**
 - 1) Application. No plumbing shall be installed in the Town without first filing an application and receiving a permit. Each application shall be approved by the Plumbing Inspector

before a permit to install plumbing may be issued. Applications must include the name of the property owner, the address of the property where the work is to be done, a description of the work to be done, and such other information as may be required by the Plumbing Inspector. The required permit fee must accompany the Application or the Application will not be processed. The Application must be signed by the property owner or his designated agent and a licensed plumber.

- 2) Permits. Only licensed master plumbers may receive a plumbing permit, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his home. No permit is required for minor repairs to faucets or for the removal of stoppages in soil and waste pipes. Permits are not transferable and expire one year after the date of issuance, unless substantial work as authorized in the permit has been commenced within the year. No permit shall be issued to any person who is in violation of this plumbing code until such violation has been corrected. No permit shall be issued to any person against whom an order issued by the Plumbing Inspector is pending. The Plumbing Inspector shall keep records of all permits issued and fees received and shall make such reports as required under sec. 145.04(3), Wis. Stats.
 - 3) Fees. Fees for plumbing permits shall be determined by the Town Board and may be changed from time to time in the sole discretion of the Board. Plumbing permit fees are separate from and in addition to any other applicable fees related to the work to be done.
 - 4) Stop Work Orders. The Plumbing Inspector may order work stopped on the construction, installation, alteration or repair of plumbing work when such work is being done in violation of this Code. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one, it shall be followed by a written order within a reasonable period of time.
- d) **Privies Prohibited**. No privy, chemical or dry closet system may be installed or maintained in any permanent residence or commercial building in the Town except during periods of construction when no toilet facilities are available. Any temporary privy or other waterless toilet must be removed as soon as connection to a public sewer or to an approved private sewerage system can be made. Any such temporary system must be ratproof, flyproof and so located so as not to be affected by storm water or to create a nuisance to adjoining property.

SEC. 15-1-7 OCCUPANCY PERMITS AND INSPECTION

- a) **Occupancy Permit Required**. No building or addition thereto, constructed after the original effective date of this Chapter and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purpose until an Occupancy Permit has been issued by the Building Inspector. Every Occupancy Permit shall state that the use or occupancy complies with all the provisions of this Chapter. An Occupancy Permit shall also be required for any new use, or change in use of land or building. The fee for occupancy permits shall be determined by the Town Board in accord with the Town Permit Fee Schedule.

- b) **Issuance of Occupancy Permits.** No Occupancy Permit for a land use or a building constructed after the effective date of this Chapter shall be issued until construction is substantially completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was issued and with all applicable Town, County and Sanitary District Ordinances and Codes.
- c) **Permit Displayed.** Every Occupancy Permit shall be dated and signed by the Building Inspector. Occupancy Permits for commercial premises shall identify the property owner, manager of the establishment, location and nature of the business, the type of business operations covered by the Permit, and any special conditions to which the Permit is subject. Occupancy Permits for commercial premises shall be prominently displayed on the premises.
- d) **Changes in Ownership, Occupancy or Use.** A new inspection and a new Occupancy Permit shall be required for any commercial premises whenever the premises is sold, a new tenant occupies the premises, or the commercial use changes or is expanded.
- a) **Revocation of Permit.** If the Building Inspector determines that a commercial establishment no longer complies with applicable Town, Sanitary District or County ordinances, or State statutes or Code, written notice specifying the items of noncompliance shall be provided to the owner and to the occupant of the premises. The notice shall require that all items of noncompliance be corrected and brought into compliance within 30 days of the date of the notice. The 30-day period may be extended in the sole discretion of the Building Inspector to a period not to exceed 90 days if significant construction or similar action is required to effect compliance. If the premises are not brought into compliance within the time set by the Building Inspector, the Occupancy Permit shall be revoked and notice of the revocation affixed to the premises. No business open to the public may be conducted on any premises for which no Occupancy Permit has been issued or for which the Occupancy Permit has been revoked.
- b) **Public Building Inspections.** This section of this Code is adopted pursuant to authority granted by sec. 101.12, Wis. Stats.
 - 1) Certification Required; Inspection Authorized. The Building Inspector authorized to enforce and inspect State Codes applicable to public buildings must be properly certified by the State of Wisconsin division of Safety and Buildings. The said Building Inspector is authorized to inspect all public buildings in accordance with the authority granted to the Town under sec. 101.12(3)(g), Wis. Stats.
 - 2) Plan Reviews. This Code is intended only to authorize Town inspections of public building alterations and construction and is not intended to authorize or certify the Town to perform plan reviews under State Codes applicable to public buildings. Plan reviews for public buildings will continue to be performed by the State of Wisconsin pursuant to State Codes.

- 3) State-Approved Plans Required. No person shall build or cause or permit to be built any new public building, or alter or permit to be altered any existing public building, without first having submitted plans and specifications to the appropriate State of Wisconsin reviewing authority and obtaining State approval of said plans and specifications. A Town building permit is required in addition to State-approved plans and will not be issued until State-approved plans have been presented to the Building Inspector.
- 4) Enforcement. The Building Inspector shall enforce this section of the Code. The Building Inspector shall:
 - a. Examine all applications for building permits and approve such permits only where there is compliance with the provisions of this Code section and other applicable codes and regulations;
 - b. Conduct inspections to determine compliance or noncompliance with the provisions of this Code section;
 - c. Issue stop, cease and desist orders and order requiring the correction of all conditions found to be in violation of the provisions of this Code section. Such written orders shall be served personally or by certified mail upon the persons deemed by the Building Inspector to be violating provisions of this Code section.
 - d. With the approval of the Town Board, or when directed by the, Institute in the name of the Town any appropriate action or proceedings to prevent any violation of the Code section.
 - e. Revoke by order any building permit approved under a misstatement of fact or contrary to the law or provisions of this Code section.

SEC. 15-1-8 NEW METHODS AND MATERIALS.

- a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Commerce for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Commerce. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

SEC. 15-1-9 UNSAFE BUILDINGS.

Whenever the Building Inspector or Town Board find any building or part thereof within the Town to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option, such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

SEC. 15-1-10 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 GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

SEC. 15-1-12 REGULATION AND PERMIT FOR RAZING BUILDINGS.

- a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than four hundred (400) square feet within the Town of Fond du Lac shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.

- b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
 - 1) The name and address of the owner of the building on date of application and, if different, on date of demolition;

 - 2) The name, address and telephone number of the contractor(s) performing the demolition work;

 - 3) The date upon which demolition is to commence;

 - 4) The date by which demolition shall be complete;

- 5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 706.03(3), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 254.11(1), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;
 - 6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste); A description of the method of demolition to be used; and A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
 - 7) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- d) **Clearing and Leveling the Site.**
- 1) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.
 - 2) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his/her agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.
 - 3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Town provided that a written copy of the opinion is delivered to the Permit Issuer at least forty-eight (48) hours before filling of the excavation commences.

- e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the Building Inspector seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.
- f) **Miscellaneous Provisions.**
 - 1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
 - 2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
 - 3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
 - 4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
 - 5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

SEC. 15-1-13 BASEMENTS; EXCAVATIONS.

- a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or

other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

SEC. 15-1-14 REGULATIONS FOR MOVING BUILDINGS.

a) General Requirements.

- 1) No person shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefor from the Permit Issuer 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.
- 2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Permit Issuer prior to issuance of the moving permit.
- 3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.

b) Moving Damaged Buildings. No building 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. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Town Assessor.

c) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All 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. Lights 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, inspect the streets, highways and curbs and gutters 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 as 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, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of 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 said 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 Town of Fond du Lac in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars (\$5,000.00), 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 any 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 exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within

forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- g) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), 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) **Town Board 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 or 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 or in the character of the applicable district established by the zoning ordinances of the Town or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Town Board, which shall not be less than Five Thousand Dollars (\$5,000.00) to be executed in the manner provided in subsection 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/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the 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 Permit Issuer, he/she shall request a meeting of the Town Board to consider application for moving permits which he/she 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, give 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 Subsection (8) hereof and file it in the office of Town Clerk who shall send a copy of it to the Building Inspector.

SEC. 15-1-15 FEES.

- a) **Fees.** Permit fees under this Chapter shall be as established by resolution of the Town Board.
- b) **No Permit Penalty.** In the event work is commenced prior to obtaining a building permit, all fees shall be doubled.

SEC. 15-1-16 SEVERABILITY.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 15-1-17 PENALTIES AND VIOLATIONS.

- a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector and/or his designee shall promptly report all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- b)
 - 1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation 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 Sec. ILHR 20.10(1)(c), Wis. Adm. Code.
 - 2) 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.

- 3) Each day each violation continues after the thirty (30) day written notice period has runs hall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - 4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
 - d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Fond du Lac charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

CHAPTER 2

Stormwater Management; Land Disturbing Activity

- 15-2-1 Stormwater Management
 - 15-2-1(a) Purpose
 - 15-2-1(b) Definitions
 - 15-2-1(c) Storm Drainage Requirements
 - 15-2-1(d) Application and Issuance of Permits
 - 15-2-1(e) Penalties
 - 15-2-1(f) Appeals

- 15-2-2 Land Disturbing Activity
 - 15-2-2(a) Authority
 - 15-2-2(b) Purpose and Applicability
 - 15-2-2(c) Definitions
 - 15-2-2(d) Permit Requirements
 - 15-2-2(e) Appeals
 - 15-2-2(f) Enforcement

SEC. 15-2-1 STORMWATER MANAGEMENT.

- a) **Purpose.** The Town finds that urbanized land uses accelerate the process of runoff in the waters of the Town and its environs. The purpose of this Code Section is to preserve the natural resources, control floods, protect the quality of public waters, protect and promote the health, safety and general welfare of the people of the Town. This Code Section controls and minimizes the stormwater runoff increases by requiring that runoff peak outflow after development be no larger than the peak outflow before development for a wide range of storm sizes. This Section is enacted under authority granted under sec. 60.62 and 61.35, Wis. Stats. This Section applies to the use of lands within the municipal boundaries of the Town.
- b) **Definitions.** For the purposes of this Code Section, certain words are defined as follows:
- 1) Development: Refers to the construction of new residential, commercial, industrial, public and institutional buildings, other than accessory structures, or the expansion of such areas, wherein the expansion exceeds fifty percent (50%) of the square footage of the existing structures on the premises. Park facilities and structures are excluded from this definition.
 - 2) Ten - (10) Year and One Hundred - (100) Year Storms: Those rains storms of varying durations and intensities the have a ten percent (10%) and one percent (1%) chance, respectively, of occurring in any given year.
 - 3) Ten - (10) Year and One Hundred - (100) Year Storm Runoffs: The stormwater runoffs from their respective storms.

- 4) Occasional Storage: With respect to detention areas, the storage of materials on or within the detention area for longer than 7 consecutive days in any 30-day period.
- 5) Onsite Detention: The temporary detaining or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed devices.
- 6) Recurrent Storage: With respect to detention areas, the storage of materials on or within the detention area for longer than 14 consecutive days in any 30-day period.
- 7) Stormwater Runoff: The water derived from rains, falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels or water courses.

c) Storm Drainage Requirements.

- 1) Development on public and private lands shall be subject to onsite detention and runoff control of stormwater if:
 - a. The land development activity will be development having a gross aggregated area of three (3) acres or more;
 - b. The land development activity will be a development having a gross aggregated area of at least one (1) acre but less than three (3) acres, having fifty percent (50%) or more of the area as impervious surfaces, including roads, buildings, parking facilities and other improvements; or
 - c. In the opinion of the Building Inspector or designee, the runoff from the development will exceed the safe capacity of the existing drainage facilities, cause undue ditch erosion, increase water pollution by scour and transport of particles, endanger downstream properties, or drain surface or stormwater onto adjoining properties.
- 2) Reduction of the post-development runoff peaks will generally be done by maintaining large amounts of vegetation and by various types of detention storage. Detention storage, when used, shall be designed by the following criteria:
 - a. Design the outflow structure so that the post-development peak flow rates for the 2-year and 100-year storm do not exceed the predevelopment peak flows for the 2-year and 100-year storms, respectively. An emergency spillway shall be designed to safely pass the 100-year post-developed flow if the primary outlet structure becomes clogged. The location and size of the emergency spillway should also consider extreme events larger than the 100-year storm during the design process. If the rounded 2-year predevelopment peak flow equals zero, calculate the flow from the Unit Peak Discharge in the TR-55 output table ($Q = \text{U.P.D.} \times \text{D.A.} \times \text{Inches of runoff}$).

- b. Peak rates of flow, runoff volumes and detention basin designs shall be done using the USDA, Soil Conservation Service, Technical Release No. 55, Urban Hydrology of Small Watersheds, commonly known as TR-55.

3) The rainfall duration shall be 24 hours using the NRCS Type II design storms.

Design Storm	Rainfall Depth
1 year, 24-hour	2.3"
2 year, 24-hour	2.6"
10-year, 24-hour	3.9"
100-year, 24-hour	5.6"

4) Where onsite detention is used for runoff control, the detention facility shall safely detain the runoff volume of the peak discharge as outlined herein from a 100-year post-development storm. Runoff in excess of the 100-year development condition must be safely passed.

- a. If any portion of the detention area is going to be used for occasional storage of materials or parking, the detention volume must be increased by 10%. Use of a detention area for recurrent storage is prohibited.

5) Plan submittals shall include all pertinent information relating to structural and nonstructural measures to be constructed in connection with the proposed development. All plan submittals shall include the following items:

- a. Predevelopment and post-development runoff computation at all structural and nonstructural measures and at the point of discharge from the site location for all required storm events.
- b. The storm frequency discharge rates in cubic feet per second upon which the design of plans for the site location is based.
- c. Provisions to carry runoff to the nearest adequate outlet.
- d. If private drainage easements are required, documentation must be presented that: (1) identifies the location of the drainage easement; (2) confirms the grant of a permanent drainage easement that will run with the land for the benefit of the property to be developed; (3) identifies responsibility for ensuring perpetual maintenance of the drainage easement and allocates responsibility for the costs of maintenance. The required documentation may be in the form of a recorded easement agreement, covenants recorded as part of a recorded plat or conveyance, or in such other form as may be approved by the Town Board. If it is proposed that a drainage easement be dedicated to the public, the proposed dedication must be presented to the Town Board for approval and acceptance prior to recording. The Town Board is not required to approve or accept any proposed public drainageways or drainage easements.

Presentation of a proposed public drainage or dedicated drainageway or drainage easement to the Town, the Building Inspector or his designee, the Town Board or any of its agents, as part of the submittals under this section shall not, without separate, specific action accepting the dedication, constitute approval or acceptance of the proposed public or dedicated drainageway or drainage easement.

e. Predevelopment land use criteria:

- 1) Cropland – the runoff curve numbers (RCN) for land which was cropland shall use the following TR-55 curve numbers as maximums:

Soil Hydrologic Group	A	B	C	D
NRCS Runoff Curve Number	30	58	71	78

- 2) Non-cropland – Use the typical land use for the last 10 to 20 years; for instance, if a woods is cleared in the last few years, the RCN would still be for the wooded land cover. A “good” hydrologic condition for each cover type shall be assumed when assigning an RCN. Use the appropriate RCN for the soils or weighted combinations of the soils of the watershed.
- f. When the soils of the developing area are disturbed, it changes the structure and profile, therefore changing the criteria used to place it in a specific hydrologic unit. All the soils in the Town have a high clay content and when disturbed or compressed may have similar properties of a “higher” hydrologic soil group (lower infiltration rate). For instance, a “C” soil may have properties more similar to a “D” soil after disturbance and compression. Therefore, drainage calculations from a developed area that will have significant disturbance or compression during construction should assume a lower infiltration rate by using a “higher” hydrologic soils group as compared to the existing soil.
- g. For runoff peaks exceeding the 100-year event, the runoff path and elevations shall be considered so that flooding of buildings or structures is avoided.
- h. Water from upstream of the development shall be conveyed through the parcel without erosion or flooding. Channels shall be designed for a minimum capacity of a 5-year discharge, stable velocities for a 25-year discharge, and flood for a 100-year discharge.
- i. Certification by a Professional Engineer, registered in the State of Wisconsin, that states that the plans as submitted will meet or exceed the requirements as outlined in this Code Section to the best of their knowledge.
- j. If the land to be developed is subject to the provisions of Ch. NR 216 of the Wis. Administrative Code, a copy of the Notice of Intent, together with all plan documents that are required to be prepared under NR 216, shall be submitted. If the development is exempt from the provisions of NR 216 because it is subject to and

regulated under Department of Transportation Chapter Trans 401 or under Department of Commerce Chapter Comm 61, a copy of all plans and submissions related to erosion control and stormwater discharge required under Trans 401 or Comm 61 shall be submitted.

- 6) The developer shall be required to prepare plans for reducing or detaining peak discharges and such plans will be reviewed on a case-by-case basis.
- 7) Approval of plans and calculations shall be by the Building Inspector or designee.
- 8) Any structure adjacent to the 100-year floodplain shall have a first floor elevation of at least two (2) feet above the highest 100-year floodplain elevation located within 1,000 feet of the structure.

d) **Application and Issuance of Permits.**

1) Permit Required; Procedure and Fee.

a. Unless specifically excluded by this section, no owner, occupant or user may undertake an activity subject to this Code Section without receiving a permit from the Building Inspector. Each owner, occupant or user desiring to undertake a regulated activity subject to this Code Section shall submit for review all requested data twenty (20) days prior to application for a permit. The review fee shall be collected by the Permit Issuer as part of the building permit fees. Review fees shall be as set by the Town Board and shall be sufficient to cover the cost of review by outside consultants retained by the Town.

b. The foregoing notwithstanding, no permit fees shall be assessed against public lands.

2) Permit; Conditions. All Permits under this Code Section shall be issued subject to the following conditions and requirements:

a. Commercial, Industrial and Residential Permits. The permittee shall provide and install, at permittee's expense, all drainage and runoff control improvements as required by this Code Section, unless drainage or detention has been previously constructed by the Town. If such public drainage structures exist, the permittee shall be assessed for his proportionate share of the drainage structure costs as determined by the Town. When private drainage controls are constructed, the property owner and/or occupant shall provide perpetual maintenance of all private control facilities. Said maintenance shall include normal operational maintenance of all physical facilities, cleanup of debris and litter and elimination of standing water within a reasonable time after cessation of a storm.

b. The permittee, property owners and /or occupant agrees to permit the Building Inspector or designee to enter onto land regulated under this Code Section prior to

permit issuance for the purpose of determining whether to approve the permit, and after permit issuance, to determine compliance with this Code Section.

- c. No permit may be issued unless it is determined by the Building Inspector or designee that the development will not cause drainage of surface or stormwater onto adjoining property owned by someone other than the applicant/permittee.
- e) **Penalties.** Any person, firm, company or corporation, with owner or occupant of the premises, who fails to comply with any of the provisions of this Code Section shall be subject to a forfeiture of not less than Fifty Dollars (\$50) or more than Five Hundred Dollars (\$500) and costs of prosecution for each violation, including reasonable attorneys' fees. Each day that a violation exists or continues shall constitute a separate offense. Compliance with the provisions of this Code Section may also be enforced by injunction. The Town Board may cause a stop-work Order to be posted if any land development regulated under this Code Section is being undertaken without a permit or if conditions of the Permit are not being met. If the Permittee does not cease the activity or comply with the permit conditions within 24 hours of the stop-work Order, the Board may revoke the permit without further notice or hearing. If activity for which no permit has been issued does not cease within 24 hours, the Board may seek an injunction from any court of competent jurisdiction, or at its sole option, may cause such remedial work to be done as it deems necessary to remedy the conditions created and may charge the costs of such work to the landowner as a special charge on the real estate tax bill.
- f) **Appeals.** The Town Board shall:
 - 1) Hear and decide appeals when it is alleged that there is an error in any order, requirement, decision or determination made by the Building Inspector or designee in administering this Code Section.
 - 2) Authorize upon appeal in specific cases such variances from the terms of this Code Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of this Section will result in unnecessary hardship, so that the spirit of this Section shall be observed, public safety and welfare secured and substantial justice done.

SEC. 15-2-2 LAND DISTURBING ACTIVITY

- a) **Authority.** This Code Section is enacted pursuant to authority granted under Chapter 60 of the Wisconsin Statutes and authority granted pursuant to the police powers of the Town.
- b) **Purpose and Applicability.**
 - 1) Purpose. The purpose of this Code Section is to preserve the natural resources of the Town; to protect the quality of the waters of the State and Town; to preserve natural drainageways located within the Town; to promote responsible land use and disturbance

activities within the Town; and to protect and promote the health, safety and welfare of Town residents and Town property owners.

- 2) Applicability. Unless specifically exempted herein, this Code Section applies to all land disturbing activities on lands within the Town.
- c) **Definition**. As used in this Code Section, “land disturbing activity” means any manmade change of the land surface, including removing vegetation cover, excavating, filling, grading, regarding, berming or diking of land, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops or the growing and tending of gardens for personal use.
- d) **Permit Requirements**.
 - 1) Permit Required. Except as specifically exempted herein, no land disturbing activity may be commenced without first obtaining a permit for the activity from the Town Permit Issuer. The fee for review of the permit application and issuance of the permit shall be set by the Town Board.
 - 2) Application for Permit. At a minimum, the permit application shall contain the following:
 - a. The name, address and telephone number of the Applicant;
 - b. The legal description and a sketch map of the site for which the permit is requested;
 - c. The name and address of all owners of adjoining lands;
 - d. Identification of all lakes, streams, channels, natural and manmade drainageways, ditches, culverts, regional drainage patterns, other watercourses, retention basins or other surface water drainage improvements, buildings, utilities, roadways and paving on the site and on adjoining lands;
 - e. Detailed description of the proposed activity, including identification of the extent (in cubic yards or other applicable measure) of the proposed activity, including a drainage plan and erosion control measures;
 - f. Time frame for the proposed activity, including the start date, time to complete the activity and completion date;
 - g. Any additional information deemed necessary by the Permit Issuer in order to evaluate the Application and proposed activity.
 - 3) Application Review. Applications shall be submitted not less than 20 days prior to the anticipated commencement date of the land disturbing activity. No Application will be considered unless it is accompanied by the permit fee. If the data submitted with the

Application is insufficient to evaluate the proposed activity, the Application may be returned without review to the Applicant. If the Application is returned without review, the Applicant may resubmit the Application with the required information, or if the Applicant so requests, the Permit Issuer may utilize the Town's engineering consultants to provide the missing data and the costs thereof will be charged back to the Applicant (in addition to the permit fee).

- 4) Permit Standards. The following standards and policies shall govern the issuance of a land disturbance activity permit:
 - a. No activity that creates a public hazard upon any property through the obstruction, impairment, sedimentation, blockage or alteration of any natural or manmade drainageway, ditch or watercourse will be permitted;
 - b. No activity that does not comply with all Town, County and State codes, statutes and regulations will be permitted.
 - c. No activity that alters or increases the drainage of surface waters or stormwaters onto adjoining property owned by someone other than the Applicant/Permittee will be permitted;
 - d. No private-party filling of any roadway ditches will be permitted.
- 5) Permit Conditions. In addition to any conditions specific to the site and the proposed land disturbance activity, all permits shall require the permittee to:
 - a. Notify the Permit Issuer within forty-eight (48) hours of commencing the land disturbing activity;
 - b. Obtain written permission from the Permit Issuer prior to modifying the activities as described in the permit Application;
 - c. Repair any erosion or other damage to adjoining lands and drainageways resulting from the land disturbing activities;
 - d. Allow the Town Board, its agents and the Permit Issuer to enter the site for the purpose of inspecting compliance with the Permit requirements or for the purpose of performing any work necessary to bring the site into compliance with the conditions of the permit.
- 6) Activities Exempt From Permit Requirement. The following activities are exempt from the permit requirement:
 - a. Installation, maintenance or repairs to new or existing private septage systems, where all required State and County permits have been obtained;

- b. Repairs, repaving and regarding of existing driveways, lanes and parking lots where the surface grade will not be altered and where the existing driveway, lane or parking lot is in compliance with all applicable Town and County codes;
- c. Grading and filling activities where not more than ten (10) cubic yards of material per acre will be excavated, filled or disturbed;
- d. Ornamental ponds located entirely upon the owner's property, where not more than twenty (20) cubic yards of material will be excavated, provided that the activity does not alter existing drainageways or surface water drainage patterns in a manner that adversely impacts adjoining lands;
- e. Leveling, grading and filling of agricultural lands, provided that the activity does not alter existing drainageways or surface water drainage patterns in a manner that adversely impacts adjoining lands;
- f. Excavation, filling, grading or related road work done under the direction of the Town, County or State;
- g. Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health or property and which are made under circumstances where it would be impossible or impracticable to obtain a permit;
- h. Temporary excavation for the purpose of installing, maintaining or repairing any public facility or utility service lines.

e) **Appeals.**

1) Authority. The Town Board shall:

- a. Hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the Permit Issuer or designee in administering this Code Section;
- b. Authorize upon appeal in specific cases such variances from the terms of this Code Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Code Section will result in unnecessary hardship, so that the spirit of this Section shall be observed, public safety and welfare secured and substantial justice done.

f) **Enforcement.**

- 1) Penalties. Any person, company, firm or corporation violating any provision of this Code Section shall, upon conviction, forfeit not less than \$500.00 nor more than \$1,000.00 and the costs of prosecution, including attorneys' fees. Each day that a violation continues

shall constitute a separate offense. Compliance with the provisions of this Section may also be enforced by injunction.

- 2) Stop-Work Order. The Town Board may post a stop-work order if:
 - a. Any land disturbing activity regulated under this Code Section is being undertaken without a permit;
 - b. The conditions of the Permit are not being met.
- 3) Revocation. If the Permittee does not cease the activity or comply with the permit conditions within five (5) days of the stop-work order, the Town Board may revoke the Permit without further notice or hearing. If an activity for which no permit has been issued does not cease within five (5) days, the Town Board may seek an injunction from any court of competent jurisdiction, or at its sole discretion, may cause such remedial work to be done as it deems necessary to remedy the conditions created and may then charge the costs of such work to the landowner as a special charge upon the real estate tax bill.

CHAPTER 3

Regulation of Signs and Billboards

15-3-1	Purpose/Authority
15-3-2	Definitions
15-3-3	Prohibited Signs
15-3-4	Exempted Signs
15-3-5	Informational Signs
15-3-6	Applicability
15-3-7	Violations and Penalties

SEC. 15-3-1 PURPOSE/AUTHORITY.

a) **Statement of Purpose.** This Chapter is adopted for the following purposes:

- 1) To promote the safety, convenience and general welfare of Town residents and of persons traveling on roadways located within or adjacent to the Town;
- 2) To promote and maintain the natural beauty of the Town;
- 3) To promote traffic safety within the Town;
- 4) To promote and conform with the expressed intent of federal regulations concerning the erection and maintenance of outdoor advertising signs and billboards.

b) **Statement of Authority.** This Chapter is adopted pursuant to authority, power and duties granted to the Town Board, in the exercise of village powers under Sec. 60.10, Wis. Stats., as well as authority under Sec. 60.23, Wis. Stats., to regulate and control persons in the Town in certain uses, activities, businesses and operations within the Town.

SEC. 15-3-2 DEFINITIONS.

For the purpose of this Chapter, the following terms are defined:

a) **Billboard.** Any outdoor sign, display, device, notice, figure, painting, drawing, mural, message, placard, poster or other thing which is designed, intended or used to advertise or inform, any part of which is visible from any place on the traveled way of any Town, County, State or Federal highway or roadway and which is larger than seventy-five (75) square feet in total area.

- b) **Sign.** Any outdoor display, device, notice, figure, painting, drawing, mural, message, placard, poster or other thing which is designed, intended or used to advertise or inform, and in which any part of the advertising or informative contents is visible from any place on the traveled way of any portion of a Town, County, State or Federal highway or roadway and is less than seventy-five (75) square feet in total area.

SEC. 15-3-3 PROHIBITED SIGNS.

The following types and classes of signs are prohibited from being placed, erected or maintained in any area or district within the Town:

- a) **Unsafe Signs.** Signs or billboards which are unsafe or in a state of disrepair, so as to be dangerous or cause a hazard to persons, animals or property.
- b) **Signs Attached to Natural Objects.** Signs which are attached to trees or other natural objects, except "No Trespassing" signs, which may be placed on trees by the owner or occupant of the premises.
- c) **Signs on Vehicles, Trailers or Buildings.** Signs which are painted or placed directly on temporarily parked vehicles, trailers, or buildings, unless the sign is directly related to the use of the premises in or on which it is located.
- d) **Moving Signs.** Signs or billboards that move, swing, or are designed, constructed and maintained to be animated, except as those defined in Section 13-1-2 (50)g.
- e) **Roof Signs.** Signs and billboards on roofs.
- f) **Illuminated Signs.** Illuminated signs or billboards, or signs/billboards with flashing, blinking or strobe lights.
- g) **Confusing Signs.** Signs or billboards which resemble, imitate or approximate the shape, form, size or color of railroad or traffic signs, signals or devices, or which obstruct or interfere with the effectiveness of said devices.
- h) **Nonaccessory Signs.** Signs or billboards which are not directly related to the use of the premises in or on which they are located, except directional signs specifically authorized under this Chapter.
- i) **Abandoned Signs.** Signs or billboards that advertise an activity, business product or service no longer conducted or available on the premises on which the sign is located.

SEC. 15-3-4 EXEMPTED SIGNS.

The following signs may be erected and maintained, provided that they do not constitute a hazard or nuisance:

- a) **Unlighted, Temporary Political Posters** provided they are not placed on public property and not displayed before six (6) months of the date for election to a national or state legislative or judicial office nor before the date of circulating nomination papers for a school, municipal or other local elected office, nor more than three (3) months before a referendum, and are removed within fourteen (14) days after the election. Such signs shall be erected only on private property, with the permission of the owner or occupant.
- b) **Operational Signs.** Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises.
- c) **Unlighted Real Estate Signs.** Advertising the sale or lease of the premises on which the sign is located provided in residential districts, are limited to nine (9) square feet and one (1) sign per street frontage, and in all other districts are limited to thirty-two (32) square feet. Permanent rental signs such as for apartments, shall be limited to twelve (12) square feet.
- d) **Public Agency Signs.** Erected by national, state, county or municipal governmental agencies, including traffic and informational signs.
- e) **Residential Nameplates** identifying owners or occupants, provided no more than two (2) are erected, each being less than two (2) square feet in area. Home occupation signs shall be counted in this numerical and size limitation.
Regulation of Signs and Billboards
- f) **Interior and Inside Window Signs.** Signs installed inside a building whether intended for viewing from inside or outside the building.
- g) **Construction Signs.** Two (2) construction signs per construction project, neither sign exceeding thirty-two (32) square feet in sign area, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.

SEC. 15-3-5 INFORMATIONAL SIGNS.

- a) **Directional Signs.**
 - 1) A sign not to exceed twelve (12) square feet in area, for the purpose of directing persons to commercial or industrial establishments within the Town or to service clubs, churches, or other non-profit organizations within the County, may be permitted in any district other than a residential district.
 - 2) A sign not to exceed six (6) square feet in area indicating direction to a church, hospital, school or other public service building may be permitted in any district. Not more than four (4) such signs may be erected within the Town for any single business or organization.

- b) **Quasi-Public Informational Signs.** Signs of a general information nature such as community welcome, safety warning or a similar nature not to exceed twelve (12) square feet in area may be erected by service clubs or other non-profit organizations upon approval of the Town Board of the location, size and appearance of such sign. No such sign may be directly illuminated.

SEC. 15-3-6 APPLICABILITY.

- a) **Effective Date.** All signs and billboards erected, proposed to be erected, or maintained, on or after the date of initial adoption of the Ordinance which preceded this Chapter, shall be subject to the provisions of this Chapter.
- b) **Nonconforming Signs.** All signs and billboards which are in existence at the date of adoption of this Chapter shall be considered legal, non-conforming signs. Such signs and billboards may be maintained, but may not be replaced, expanded or altered except in conformance with the provisions of this Chapter. Any sign or billboard which has been abandoned, or which is damaged or destroyed to the extent of fifty percent (50%) of the replacement value of the sign or billboard, may not be repaired or replaced and shall be removed within thirty (30) days of such abandonment or damage.
- c) **Zoning Ordinance.** Where the provisions of this Chapter conflict with any provisions of the Town Zoning Code, the provisions of this Chapter, if more restrictive than those under the Zoning Code, shall control and shall supersede the provisions of the Zoning Code.
- d) **State and Federal Laws.** Where the provisions of this Chapter conflict with the provisions of any applicable State or Federal law or regulation, the provisions of the most restrictive Ordinance, Statute or Regulation shall control.
Regulation of Signs and Billboards

SEC. 15-3-7 VIOLATIONS AND PENALTIES.

- a) **Penalties for Violations.** Any person, firm, corporation or organization that violates, neglects or refuses to comply with or resists the requirements of this Chapter, shall upon conviction be punished by a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof by imprisonment in the County Jail of Fond du Lac County until such fine and costs are paid but not to exceed thirty (30) days. Whenever a person shall have been notified by the Building Inspector or member of the Town Board that he is in violation of the provisions of the Chapter, such person shall commence correction of all violations within seven (7) days after notice, and shall correct all violations within thirty (30) days after notice. If corrections are not commenced within thirty (30) days of notice, each day that a violation continues shall be considered a separate offense for purposes of determining the amount of the minimum fine. No person shall be issued or re-issued a building permit, a special use permit or any other permit if said person:

- 1) Fails to meet or comply with this Chapter;
 - 2) Fails to meet or comply with the provisions of the Town Zoning Code;
 - 3) Fails to comply with Fond du Lac County or State of Wisconsin Zoning and Building Code requirements;
 - 4) Fails to comply with any special orders or conditions imposed by the Building Inspector or the Town Board.
- b) **Additional Remedies.** In the event any sign or billboard is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this Chapter, the Town Board or any adjacent/neighborhood property owner who would be damaged by such violation may, in addition to other remedies and fines provided herein, institute appropriate legal action or proceedings to prevent the erection, construction, alteration or maintenance of such sign or billboard or to prevent any illegal act, conduct, business or use in or about such premises.

CHAPTER 4

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-4-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

SEC. 15-4-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS, PROGRAMS, SERVICES AND EMPLOYMENT.

a) **Statement of Purpose.**

- 1) The Town of Fond du Lac, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Town programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Town Board and is available from the Town Clerk. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Town Clerk.
- 2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Chairperson, subject to confirmation by the Town Board, at the Board's organizational meeting. The ADA Compliance Committee should consist of three (3) members, and should, if possible, have representatives from the following fields:
 - a. Business and/or non-profit organization,
 - b. Education,
 - c. Disabled representative,
 - d. Elected official,
 - e. Health/medical.
- 3) Town letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."

- 4) An ADA Committee meeting shall be treated as any other Town committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

b) Complaint Procedure.

- 1) Complaints shall be filed with the ADA Coordinator, in care of the Town Clerk.
- 2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
- 3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
- 4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
- 5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
- 6) The Town Clerk shall maintain the files and records of the Town relating to the complaints filed.

c) Appeals.

- 1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
- 2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by me Town Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Town Board shall precede the vote.

- d) Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Town believes that resolution of the complaint will be more promptly achieved if the Town is able to provide a remedy before the complaint is brought to an external organization.

- e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

CHAPTER 5

Site and Grading Plan Standards

15-5-1	Purpose and Applicability
15-5-2	General Planning Requirements
15-5-3	Review of Site and Grading Plans
15-5-4	Violations
15-5-5	Amendments

SEC. 15-5-1 PURPOSE AND APPLICABILITY.

- a) **Purpose.** The purpose of this Chapter is to protect Town property and structures from damage caused by changes of elevation and site grading due to commercial, industrial and residential development of land in the Town.
- b) **Applicability.** This Chapter shall apply to all commercial, industrial and residential development of land located within the Town. No building shall hereafter be erected, constructed, reconstructed, moved or structurally altered, and no land shall be developed, unless a site and grading plan has been submitted in accordance with the requirements of this Chapter and all permits required under this Chapter have been obtained. This Chapter does not apply to interior remodeling or exterior siding, roofing, and related improvements.

SEC. 15-5-2 GENERAL PLANNING REQUIREMENTS.

- a) **Application of Regulations.** The regulations of this Chapter shall apply to all development for which a building permit is required under Town ordinance. The developer, owner, or contractor shall also comply with the Town's Surface Water Drainage Code. In addition, compliance with the regulations of this Chapter shall be required as a prerequisite for Town approval of all subdivisions of land which are subject to the Fond du Lac County Subdivision Control Ordinance and for Town approval of all platted developments and certified survey maps.
- b) **Site and Grading Plan Required.** The developer, owner or contractor shall submit a site and grading plan for all new commercial, industrial, multi-family and single-family residential developments and for all additions to commercial, industrial and multi-family developments. For platted developments, a copy of the site and grading plan, if not set forth on the face of the Plat, shall accompany the preliminary plat. The site and grading plan shall be approved before submittal of the final plat. For unplatted developments and developments on land for which final plat or certified survey map approval has previously been granted, a copy of the site and grading plan shall accompany the certified survey map or building/zoning permit application, as applicable. The site and grading plan shall be approved prior to approval of the certified survey map or issuance of a building or other zoning permit.

c) Minimum Plan Requirements. The site and grading plan submitted for all developments shall include as a minimum the following information:

- 1) Name, address and telephone number of the owner and designer of the proposed development;
- 2) Location sketch of the development site, including location of existing and proposed improvements to the site;
- 3) Date, North arrow, and a graphic scale of not less than one (1) inch equals one hundred (100) feet;
- 4) Established benchmark elevations and location at the site; sites located within floodplain areas must use USGS datum;
- 5) Location of property lines, existing streets, easements, utilities;
- 6) A copy of the original Certified Survey Map or Plat;
- 7) The location and types of monuments at each corner of the lot;
- 8) Proposed elevations, including proposed ground level at the foundation of any buildings, proposed driveway elevations, and proposed site grading;
- 9) Drainage direction of flow arrows;
- 10) Locations and dimensions of any existing buildings and driveways;
- 11) One hundred (100) year flood plain locations and elevations;
- 12) If the development site is larger than one and one-half (1.5) acres in size, existing elevations of the development site;
- 13) If the development site is smaller than one and one-half (1.5) acres in size, existing elevations of the development site and of all other sites or parcels located within fifty (50) feet in all directions of the development site;
- 14) Existing drainage patterns in sufficient detail to permit determination of the impact of improvements on the development site on pre-development drainage patterns;
- 15) Ground-at-foundation elevations of all existing buildings within two hundred (200) feet of the center of the proposed construction area. For construction areas larger than a one hundred (100) foot radius, ground-at-foundation elevations shall be shown for existing buildings located more than two hundred (200) feet from the center of construction, within an area determined by adding one (1) additional foot for each foot of construction area radius over one hundred (100) feet;

- 16) Setback line locations and distance from property line;
- 17) Proposed erosion control measures.

SEC. 15-5-3 REVIEW OF SITE AND GRADING PLANS.

- a) **Building Inspector Review.** Site and grading plans shall be submitted to the Town Building Inspector for review and approval. Three (3) copies of the site and grading plan shall be submitted. The Building Inspector, with the approval of the Town Board, may obtain the services of a professional engineer or other appropriate person to assist in the review of any site and grading plan. Site and grading plans must be approved prior to the issuance of a building permit. Development at variance with an approved site and grading plan shall be deemed a violation of this Chapter.
- b) **Review Standards.** In reviewing a plan submitted under this Chapter, the Building Inspector shall take into consideration the following criteria:
 - 1) Conformance to the Town's Zoning Code, official map, and other planning documents;
 - 2) Ingress and egress to the property and other factors relating to access to the property;
 - 3) Drainage on adjacent property and the consequences of such drainage;
 - 4) The location of utilities;
 - 5) The general nature of the development with attention to the design features and appearance of the development so that it will be compatible with properties in the area;
and
 - 6) Any special requirements unique to the site or the development.
- c) **Platted Developments.** Six (6) copies of the site and grading plan, if separate from the plat, shall accompany all preliminary plats submitted to the Town for review. Approval of the site and grading plan is required for approval of the final plat.
- d) **Unplatted Developments.** Six (6) copies of the site and grading plan shall accompany all Certified Survey Maps submitted to the Town for review. Approval of the site and grading plan is required for approval of the Certified Survey Map. If neither a plat nor a Certified Survey Map is required under applicable State or local statutes, ordinances or regulations, three (3) copies of the site and grading plan shall be submitted at the time of application for a building permit. The site and grading plan must be approved prior to the issuance of a building permit.

- e) **Requirements May Be Waived.** The requirements of this Chapter may be waived for development on individual lots where a plat or certified survey map has previously been subject to review and approved hereunder and the plat or certified survey map contains a recorded covenant subjecting the lot to the site and grading plan as approved. The requirements of this Chapter may be waived in such other cases as the Building Inspector, as approved by the Town Board, deems appropriate.
- f) **Fee for Review of Site and Grading Plans.** A fee of Three Hundred Dollars (\$300.00) shall be imposed for review of site and grading plans required to be submitted under this Chapter. The review fee shall be tendered at the time the site and grading plan is submitted for review.
- g) **Appeal.** Any party aggrieved by a decision of the Building Inspector denying approval for a drainage plan may appeal the decision to the Town Board within thirty (30) days of the issuance of a written notice of denial by the Building Inspector.

SEC. 15-5-4 VIOLATIONS.

- a) **Penalties.** Any person, including but not limited to an owner, developer, or designer of the site, who fails to comply with any provisions of this Chapter shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00), and the costs of prosecution, including reasonable attorneys' fees, for each violation. Each day that a violation exists or continues shall constitute a separate offense.
- b) **Other Remedies.** In the event that any site is developed or proposed to be developed or any building or structure is or is proposed to be constructed or reconstructed in violation of this Chapter, the appropriate authorities of the Town of Fond du Lac may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct or abate such violation, to prevent occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- c) **Stop Work Order.** In addition to all other available remedies, the Town Board may post a stop work Order if:
 - 1) Any land development regulated under this Chapter is being undertaken without a permit;
or
 - 2) Any work is being done that varies from a Site and Grading Plan approved under this Chapter.
- d) **Revocation.** If the owner or his agent does not cease the activity or comply with the approved Site and Grading Plan within 24 hours of the stop work order, the Town Board may revoke any Permit that has been issued pursuant to this Chapter and may seek an injunction from any Court of competent jurisdiction, or, at the exclusive option of the Town Board, the Board may cause such remedial work to be done as it deems necessary to remedy the conditions created and may then charge the costs of such work to the landowner as a special charge upon the real estate tax bill.

SEC. 15-5-5 AMENDMENTS.

The Town Board may from time to time on its own motion amend, supplement or change this Chapter. An amendment shall become effective upon a majority vote of the members of the Town Board.

CHAPTER 6

Private Swimming Pools

15-6-1	Definition
15-6-2	Exempt Pools
15-6-3	Permit Required
15-6-4	Setbacks and Other Requirements
15-6-5	Enclosure
15-6-6	Electrical Installations
15-6-7	Plans
15-6-8	Equipment
15-6-9	Nuisance
15-6-10	Building Permit Fees
15-6-11	Effective Date
15-6-12	Penalty

SEC. 15-6-1 DEFINITION.

The term “pool” or “swimming pool” is hereby defined as a non-permeable receptacle for water, whether above or below ground, intended for use by the owner, their friends and invited guests, for bathing or swimming. This includes hot tubs, whirlpools and Jacuzzi tubs greater than 12” in depth and less than 42 inches of wall height.

SEC. 15-6-2 EXEMPT POOLS.

Storable children’s swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of less than two (2) feet, and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. Drainage ponds, storm water detention ponds decorative commercial ponds, recreational ponds, municipal and institutional ponds and similar ponds, are exempt from this ordinance.

SEC. 15-6-3 PERMIT REQUIRED.

All pools with a water depth of 18 inches or more and/or a surface area of 100 sq. ft. shall require a building permit from the Permit Issuer prior to construction, reconstruction and installation. An in-ground pool will be considered an accessory building and will thereby reduce the allowable square footage of any accessory buildings.

SEC. 15-6-4 SETBACKS AND OTHER REQUIREMENTS.

- a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

- b) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building.

SEC. 15-6-5 ENCLOSURE.

Every outdoor private or residential swimming pool in the ground or with the sides less than 42 inches high at any point, as in the case of above-ground pools, shall be completely enclosed by a fence or wall not less than four (4) feet in height but not to exceed six (6) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates. A residence or accessory building may be used as part of such enclosure. All gates or doors, opening through such enclosures, shall be equipped with self-closing and self-latching devices for keeping the gate or door security locked at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Above-ground pools with sides greater than 42 inches high at any point which are not enclosed by a suitable fence herein described and using a ladder or stairs for ingress and egress shall have the ladder or stairs removed or flipped up when the pool is not in use, or shall be designed with doors or gates so as to prevent access to the pool when the pool is not in use. Notwithstanding any of the foregoing, no fence or wall is required for any swimming pool that will be covered by a pool cover that meets ASTM F1346-91 Standard Performance Specifications for safety covers and labeling requirements.

SEC. 15-6-6 ELECTRICAL INSTALLATIONS.

- a) All electrical wiring associated with swimming pools shall require a permit.
- b) All electrical wiring for swimming pools as well as heat pumps or circulation pumps shall comply with Article 680 of the National Electrical Code (NEC) and Chapter E 680 of the Wisconsin Administrative Code.
- c) Light used to illuminate the pool shall direct light only on the pool.

SEC. 15-6-7 PLANS.

A drawn to 1/8 inch scale plan must be filed with the application for a building permit and shall show the following:

- a) Property lines and lot dimensions.
- b) Location of all buildings on the lot and distances to lot lines.
- c) Location of public streets, sidewalks and alleys.
- d) Fair market value of the installation.
- e) Location of overhead and underground utilities (gas and electric).
- f) Any fences and decks build in conjunction with the pool.

SEC. 15-6-8 EQUIPMENT.

Circulating pumps and filters shall be located and operated so as not to create a nuisance or noise problem. If necessary, the equipment shall be shielded or contained behind a protective barrier. A back flow preventer shall be installed, per Wisconsin planning code.

SEC. 15-6-9 NUISANCE.

- a) All pools shall be maintained in such a way as to not create a private or public nuisance, hazard, eyesore, or be a detriment to public health, safety or welfare. For purposes of this ordinance, a “public nuisance” shall be defined as set forth in the Town’s Code of Ordinances.
- b) The drainage of any pool may not be discharged onto adjoining property. The pool may, however, be drained into owner’s yard or ditch.

SEC. 15-6-10 BUILDING PERMIT FEES.

- a) Building permit fees as set forth by Resolution.
- b) Electrical permit fees as set forth by Resolution.
- c) Plumbing permit fees as per the plumbing permit application, as set forth by Resolution.

SEC. 15-6-11 EFFECTIVE DATE

- a) This ordinance shall be in full force and effect following adoption by a majority of the Town Board and upon publication as provided by statute.
- b) Any pool erected or constructed within the Town of Fond du Lac prior to the date of publication of this ordinance shall be required to be in full compliance with all of the provisions of this ordinance no later than one year following the date of publication.
- c) Any pool erected or constructed within the Town of Fond du Lac following the date of publication of this ordinance shall be required to be in full compliance with all provisions of this ordinance before it shall be permitted for use.

SEC. 15-6-12 PENALTY.

Any person who shall violate any provision of this ordinance or any order, rule or regulation made hereunder shall be subject to a penalty as provided under the Town Zoning Code.